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THESIS

**STYLES OF INTERNATIONAL MEDIATION IN PEACE
PROCESSES BETWEEN STATES AND TERRORIST
ORGANIZATIONS**

by

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BETWEEN STATES AND TERRORIST ORGANIZATIONS**

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ABSTRACT

As a conflict management strategy, mediation has offered a way to abate or resolve conflicts, and it is a solid alternative to escalating hostilities. Most academic works analyze mediation by studying the mediators' roles and behavior, and such study is facilitated by the use of categories or typologies. This thesis seeks to identify an additional method known as the styles of mediation. Because international mediation has been used in terrorism conflicts, this thesis explores the styles of international mediation that have been employed in peace processes between states and terrorist organizations, and uses the Israeli-Palestinian, Northern Ireland, and Sri Lankan peace processes as case studies.

Two specific styles of mediation are suggested: personalistic mediation and institutionalized mediation, both strongly linked to the frameworks under which the mediation is exercised. Personalistic mediation is a framework of mediation that develops and establishes itself as the mediation unfolds, largely due to the mediators' own work and determination. Institutionalized mediation takes place when an institution created in a peace process adopts a mediation strategy and exercises it under its institutional umbrella. The proposed styles may not only help analysts define frameworks in future mediations, but also compare mediation, and in some cases even predict—to an extent—patterns and results of mediation.

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LIST OF ACRONYMS AND ABBREVIATIONS

CFA	Ceasefire Agreement
DOP	Declaration of Principles on Interim Self-Government Arrangements (also known as the Oslo Accord)
ELN	National Liberation Army
EU	European Union
FAFO	Institute for Applied Social Science
FARC	Revolutionary Armed Forces of Colombia
GFA	Good Friday Agreement (also known as the Belfast Agreement)
IB	International Body
IPKF	Indian Peace Keeping Force
IRA	Irish Republican Army (also referred to as PIRA)
LTTE	Liberation Tigers of Tamil Eelam
NGO	Non-governmental organization
NORAD	Norwegian Agency for Development Cooperation
NTO	Nationalistic terrorist organization
PLO	Palestine Liberation Organization
UNSC	United Nations Security Council

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I. INTRODUCTION

Which styles of international mediation have been employed in peace processes between states and terrorist organizations? The mediator acts as a third-party intervention accepted by the parties to a conflict; mediators intervene diplomatically in a conflict “with the stated purpose of contributing toward its abatement or resolution.”¹ Although mediation—as a conflict management technique—seeks to peacefully resolve a conflict, not all terrorism conflicts have been ended through peace talks. Nevertheless, international mediation in peace talks between states and terrorist organizations has helped, for instance, to bring the negotiating parties to the table (such as in the Israeli-Palestinian peace process), provide a “safety net” during the talks (such as in the Northern Ireland peace process), and even modulate the violence in a conflict (such as in Sri Lanka with the Liberation Tigers of Tamil Eelam).²

A. STYLES OF MEDIATION

Conflicting parties around the world still look to mediation to try to resolve their differences. Such negotiations also have a meaningful role—and track record—in combating terrorism. The armed conflict in Colombia that is, at the time of this writing, undergoing a peace process, provides a recent example of international mediation between a state and a terrorist organization. This conflict has lasted nearly 50 years and accounted for tens of thousands of deaths, as well as 25,000 people missing or disappeared, and more than 5 million people displaced.³ The Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN), which are the main armed groups in the Colombian conflict, have occasionally resorted to terrorism as a tactic.⁴

1 Saadia Touval, *The Peace Brokers: Mediators in the Arab-Israeli Conflict, 1948–1979* (Princeton, NJ: Princeton University Press, 1982), 4.

2 Audrey Kurth Cronin, *How Terrorism Ends: Understanding the Decline and Demise of Terrorist Campaigns* (Princeton, NJ: Princeton University Press, 2011), 50, 65–6.

3 June S. Beittel, *Peace Talks in Colombia* (CRS Report No. R42982) (Washington, DC: Congressional Research Service, 2015), 2, <https://www.fas.org/sgp/crs/row/R42982.pdf>.

4 Beittel, *Peace Talks*, 3, 10.

Analysts point out that while the Colombian government has posted several notable military gains against the FARC in the last decade, “the FARC’s capability to revive itself and continue to threaten Colombia is considerable[;] . . . it cannot be readily overcome through military victory.”⁵ Among the other tools available to Colombia, talks between the parties seem increasingly important. The government sought a negotiated peace with the FARC unsuccessfully since 1982; in 2012, however, a fourth attempt to hold peace talks was launched, the first of its kind to give international mediators a significant role.⁶ The agreements between the conflicting parties have identified Cuba and Norway as “guarantors” and Venezuela and Chile as “accompaniers” of the peace process; while the United States is not an official mediator in the Colombian case, former U.S. Assistant Secretary of State for Inter-American Affairs Bernard Aronson was appointed as a U.S. special envoy to the talks.⁷

Audrey Kurth Cronin notes that only 18 percent of the terrorist groups that she surveyed engaged in negotiations over their fundamental aims, but of these talks, only 10 percent failed.⁸ Still, she points out that measuring success in peace talks is not as easy as analyzing the peaceful settlement of disputes among, for example, states. Peace talks with terrorist organizations are conducted within an asymmetric relationship and generally “drag on, with interruptions, with setbacks, and without resolution, but also without outright failure.”⁹ Cronin argues that negotiations with terrorist organizations are not likely to end terrorism by themselves; rather, talks enable states to manage the terrorist threat and to facilitate the group’s deradicalization.¹⁰

The quiet interest in—and promise of—international mediation in terrorism conflicts, as evidenced by the Colombian peace talks, offers room for reflection on the specific style of mediation that occurs in such processes. Much of the scholarly and

⁵ Beittel, *Peace Talks*, 8.

⁶ Ibid., 14, 29.

⁷ Ibid., 18.

⁸ Cronin, *How Terrorism Ends*, 40–41.

⁹ Ibid., 41.

¹⁰ Ibid., 71–2.

practitioner analysis of mediation approaches the subject in terms of mediation strategies. Style is not quite the same thing as a mediation strategy or sponsor, however. The providers of mediation in the international system, as categorized by academics like J. Michael Greig and Paul F. Diehl, include “individuals, states, non-governmental organizations (NGOs), and regional and global organizations.”¹¹ In a similar—though simplified way—Karin Aggestam recognizes three main groups: “States, organizations, and individuals.”¹²

When categorizing structural styles of mediation, the literature usually presents two categories: mediations conducted by a single mediator, or multiparty mediations.¹³ Single mediators, by definition, are those parties that act as the sole mediator in a given scenario; therefore, all of the above-mentioned providers of mediation may act as a single mediator in a given process. On the other hand, multiparty mediation refers to the presence of two or more mediators. Greig and Diehl note that “in multiparty mediation, third parties seek to broker an agreement in the conflict through either several uncoordinated efforts by different third parties, a coalition of third parties working together in a common mediation effort, or sequentially in separate mediation efforts over time.”¹⁴

The present analysis of the styles of mediation employed in the conflicts between Israel and Palestine, the Irish Republican Army (IRA) and the British government, and the Liberation Tigers of Tamil Eelam (LTTE) and the Sri Lankan government suggests two specific styles of mediation in peace processes between states and terrorist organizations: 1) personalistic mediation and 2) institutionalized mediation.

Personalistic mediation, often conducted by important individuals, has been frequently used in peace processes dealing with terrorism; the Sri Lankan and Israeli-Palestinian peace processes are good analytical examples. Erik Solheim, a notable

¹¹ J. Michael Greig and Paul F. Diehl, *International Mediation* (Malden, MA: Polity, 2012), 62.

¹² Karin Aggestam, “Quasi-Informal Mediation in the Oslo Channel: Larsen and Holst as Individual Mediators,” in *Studies in International Mediation*, ed. Jacob Bercovitch (New York: Palgrave Macmillan, 2002), 64.

¹³ Greig and Diehl, *International Mediation*, 71.

¹⁴ Ibid.

member of the Norwegian parliament, was a key mediator in the Sri Lankan conflict. In the Israeli-Palestinian peace process, high-profile mediation was conducted by the U.S. Secretaries of State George Shultz and James A. Baker III, Norwegian Foreign Minister Johan Jørgen Holst, and U.S. President Bill Clinton.¹⁵

The second style of mediation, institutionalized mediation, involves the creation of an ad hoc institution during a peace process that adopts a mediation strategy. This style is most notable in the Northern Ireland case and in a more limited way, in the Sri Lankan case. The International Body and the Office of the Independent Chairmen created in Northern Ireland were essential for the initiation, development, and conclusion of the peace talks with the extremists in that region. With respect to the Sri Lankan conflict, the Sri Lanka Donor Co-Chairs—an institution which emerged in the Tokyo Conference on Reconstruction and Development of Sri Lanka in June 2003—exercised limited mediation in the peace talks between the government of Sri Lanka and the LTTE, in addition to the official Norwegian mediation conducted by Solheim.¹⁶

B. SIGNIFICANCE

While the United Nations Security Council (UNSC), even before the September 2001 terror attacks against the United States, condemned terrorist acts “as criminal and unjustifiable, regardless of their motivation, in all their forms and manifestations, wherever and by whomever committed, in particular those which could threaten international peace and security,”¹⁷ the 9/11 attacks prompted the international community to strengthen the Council’s role in combating terrorism. With Resolution 1368, adopted on 12 September 2001, the UNSC began to regard “any act of international terrorism as a threat to international peace and security.”¹⁸ Similarly, international

¹⁵ These mediation examples are addressed in Chapter II of this thesis.

¹⁶ Maria Groeneveld-Savisaar and Siniša Vuković, “Terror, Muscle, and Negotiation: Failure of Multiparty Mediation in Sri Lanka,” in *Engaging Extremists: Trade-Offs, Timing, and Diplomacy*, ed. I. William Zartman and Guy Olivier Faure (Washington, DC: United States Institute of Peace Press, 2011), 126.

¹⁷ United Nations Security Council (UNSC), Resolution 1269 (1999) *on the Responsibility of the Security Council in the Maintenance of International Peace and Security*.

¹⁸ UNSC Resolution 1368 (2001) *Threats to International Peace and Security Caused by Terrorist Acts*.

terrorism is also considered an international crime under international law, which even classifies terrorism as a war crime or a crime against humanity under certain circumstances.¹⁹

The nature of international terrorism as a threat to international peace and security and as an international crime inevitably requires the involvement of the international community. While such involvement may come as military support against the terrorists, the international community may also support the state—without violating the principle of non-intervention in the internal affairs of states—by welcoming its decision to engage in negotiations with terrorist organizations or by even offering assistance with a given conflict management strategy.²⁰

As such, states that choose to address terrorism through a peaceful conflict management strategy will inescapably encounter the dilemma of whether they should welcome international mediators in the process and under which frameworks. Because international mediation in negotiations between states and terrorist organizations is not unprecedented, the analysis of past experiences could shed light on styles of mediation employed by these intermediaries and help policymakers identify the forms that such presence may adopt in attempting to mediate their country's conflict.

The Israeli-Palestinian, Northern Ireland, and Sri Lankan peace processes can be used as case studies because they received—under different circumstances and levels of participation—international support, including mediation, to manage the conflict.²¹ Although these three conflicts have been thoroughly studied and the literature on general mediation is vast, there are fewer academic accounts of the international mediation undertaken in these cases. Furthermore, there is no comprehensive academic study categorizing the styles of international mediation in peace processes between states and terrorist organizations.

¹⁹ Antonio Cassese, *International Law*, 2nd ed. (New York: Oxford University Press, 2005), 450.

²⁰ Greig and Diehl, *International Mediation*, 41. As scholars point out, “there are no sovereignty barriers to offering mediation assistance.”

²¹ Cronin, *How Terrorism Ends*, 65–6.

Consequently, this thesis attempts to shed light on international mediation in these terrorism cases and draw conclusions on the most common styles of third-party mediation. While there is no golden rule of international mediation in these types of conflicts—because each peace process is configured according to its particular context—mediation policy analysts could find this study helpful for defining frameworks in future peace processes.

C. LITERATURE REVIEW

International law is based on the notion that its subjects create the norms, oversee compliance, and sanction the violators among them. Although terrorist organizations are not and cannot be considered formal subjects of international law as their illegal nature contradicts the foundations of the system itself, they are nevertheless important actors in international relations due to the transnational effects of their activities.²² There is a scholarly consensus that states combating terrorism should employ a dual strategy: carrots and sticks. Robert J. Art and Louise Richardson conclude their study of 13 states' counterterrorism strategies noting that combating terrorism is more effective when governments "address the underlying factors that gave rise to terrorism in the first place, in conjunction with the use of effective coercive policies."²³ Part of the carrot strategy consists of political engagement, which also includes conflict management methods such as negotiations undertaken during peace processes.²⁴

Given the importance of international law principles in international relations, the analysis of the principle of the peaceful settlement of disputes between states can provide an insight into the conflict management methods generally available for policy-makers.²⁵ Article 33 of the United Nations Charter, as synthesized by I. William Zartman,

²² Heber Arbuet-Vignali, email to author, 25 February 2015. The primary subjects of international law are states, followed by other subjects with limited legal capacity such as international organizations, insurgents, and national liberation movements. See Cassese, *International Law*, 72, 150. Evidently, terrorist groups do not possess the characteristics that enable states to participate in the international system.

²³ Robert J. Art and Louise Richardson, "Conclusion," in *Democracy and Counterterrorism*, eds. Robert J. Art and Louise Richardson (Washington, DC: United States Institute of Peace Press, 2007), 564–5.

²⁴ Ibid., 577.

²⁵ Cassese, *International Law*, 58.

recognizes “three basic methods for the peaceful management of international conflicts[:] . . . 1) direct negotiation among the conflicting parties; 2) various forms of mediation, good offices and conciliation; and 3) binding methods of third-party intervention (e.g., arbitration and adjudication).”²⁶

The role of an intermediary in a non-judicial procedure comes to play in good offices, conciliation, and mediation. Saadia Touval differentiates between the three approaches based on the level of involvement of the intermediary in the negotiations.²⁷ Good offices are performed when the intermediary’s role is limited to the communication between the adversaries. If the intermediary also influences the parties to make concessions and delineates the bargaining setting, it is acting as a conciliator.

Intermediaries become mediators once they “make suggestions pertaining to the substance of the conflict, and seek to influence the parties to make concessions by exerting pressures and offering incentives.”²⁸ Touval writes that “mediation is the most versatile of intermediaries’ roles, and may subsume the roles of good offices and conciliation.”²⁹ When studying the theory and practice of mediation, Kyle Beardsley also characterizes conciliation “as a specific style of mediation,” due to the difficulty of distinguishing the roles of intermediaries in certain situations.³⁰

I. William Zartman and Guy Olivier Faure point out that, from the state’s perspective, “engaging extremists . . . works as part of a broad policy that is complex in tactics, deliberate in balance, and, ultimately, indispensable.”³¹ Such indispensability also figures in Cronin’s observation that “virtually all democratic governments facing terrorist

²⁶ I. William Zartman, “Mediation in International Conflicts: Theory, Practice, and Development,” in *Theory and Practice of International Mediation: Selected Essays*, ed. Jacob Bercovitch (New York: Routledge, 2011), 66.

²⁷ Touval, *Peace Brokers*, 4.

²⁸ Ibid.

²⁹ Ibid., 5.

³⁰ Kyle Beardsley, *The Mediation Dilemma* (Ithaca, NY: Cornell University Press, 2011), 18.

³¹ I. William Zartman and Guy Olivier Faure, “Introduction,” in *Engaging Extremists: Trade-Offs, Timing, and Diplomacy*, eds. I. William Zartman and Guy Olivier Faure (Washington, DC: United States Institute of Peace Press, 2011), 2.

campaigns have been forced to negotiate at some point.”³² Nigel Quinney and A. Heather Coyne, from the United States Institute of Peace, note that even the United States, which has publicly claimed that it does not and will not negotiate with terrorists, has actually “talked with the leaders of terrorist organizations in detail and at length about their political goals and the make-up of their negotiations.”³³ The difference between word and deed has its own sense, however; Zartman and Faure argue that a state should not acknowledge its willingness to negotiate with terrorist organizations lest it open itself to blackmail.³⁴

Daniel Byman as well as Zartman and Faure point out that talks between states and terrorist organizations imply risks and benefits to both parties. Because the state is usually the party that seeks the talks, it is regarded as the weaker side of the negotiation. Moreover, negotiating with the terrorist organization grants it recognition related to its legitimacy and status. On the other hand, the authors note that risks do not outweigh the potential positive outcomes of talking to terrorists, and list some of the benefits that states experienced in past conflicts: gathering information on the terrorists, influencing the terrorist group’s behavior, ending the conflict or the group’s terrorism strategy, and sending a peaceful message to the international community.³⁵

In addition, Cronin also shows that tactical benefits are also important for states, such as possibly achieving short-term pauses and dividing the terrorist group’s constituency into factions.³⁶ As for the terrorist groups, negotiating with the state benefits them because they gain “status and representational recognition,”³⁷ and also allows them

³² Cronin, *How Terrorism Ends*, 35.

³³ Nigel Quinney and A. Heather Coyne, eds., *Talking to Groups That Use Terror* (Washington, DC: United States Institute of Peace Press, 2011), 5–6.

³⁴ I. William Zartman and Guy Olivier Faure, “Conclusion,” in *Engaging Extremists: Trade-Offs, Timing, and Diplomacy*, eds. I. William Zartman and Guy Olivier Faure (Washington, DC: United States Institute of Peace Press, 2011), 287.

³⁵ Zartman and Faure, “Introduction,” 4–16; Daniel Byman, “The Decision to Begin Talks with Terrorists: Lessons for Policymakers,” *Studies in Conflict & Terrorism* 29, no. 5 (2006): 412–15, doi: 10.1080/10576100600703996.

³⁶ Cronin, *How Terrorism Ends*, 37–8.

³⁷ Zartman and Faure, “Introduction,” 6.

to pursue “causes related to control of territory.”³⁸ For the terrorists, negotiations imply tactical and strategic risks, such as being unable to pursue their causes through peaceful political means once they resign violence.³⁹

Scholars’ recommendations for negotiating with terrorists vary in their extent. For Cronin, the government should “negotiate officially only when it becomes clear that the cause is gaining popular support or legitimacy, either through the actions of the group or clumsy counteractions by the government;” she also notes that the government should analyze the terrorist groups in a comprehensive way, both culturally and historically.⁴⁰ Zartman and Faure seem to have a broader perspective on negotiating with terrorists, and they recommend negotiating whenever possible to drive the terrorist groups away from violence as means of achieving their goals.⁴¹ Daniel Byman cautions policy-makers about the possible characteristics of terrorist groups that play against the odds of successful negotiations; he notes that governments should avoid initiating talks with terrorist groups that, due to their nature and context, may actually come out stronger if the government seeks negotiation. Nevertheless, Byman does acknowledge that negotiations “are often necessary for ending conflicts and transforming a terrorist group into a legitimate political actor or driving them out of the terrorism business altogether.”⁴²

Scholars also recognize that negotiating with some terrorist groups such as al-Qaeda is unrealistic. Zartman and Faure consider al-Qaeda to be beyond the reach of engagement.⁴³ Cronin says that al-Qaeda’s leadership cannot be dealt with because of its extreme propositions that constitute nonnegotiable terms, indiscriminate violence, and

³⁸ Cronin, *How Terrorism Ends*, 40–1.

³⁹ Camille Pecastaing, “Facing Terrorism: Engagement and De-escalation,” in *Engaging Extremists: Trade-Offs, Timing, and Diplomacy*, eds. I. William Zartman and Guy Olivier Faure (Washington, DC: United States Institute of Peace Press, 2011), 196.

⁴⁰ Cronin, *How Terrorism Ends*, 41–2.

⁴¹ Zartman and Faure, “Conclusion,” 278–9, 287.

⁴² Byman, “Decision to Begin Talks,” 412.

⁴³ Zartman and Faure, “Introduction,” 2.

because “they are unresponsive to their broader constituency,” but she does suggest exploring the potential of talks with global affiliates of al-Qaeda.⁴⁴

While scholars’ views of when to initiate negotiations with terrorist groups may vary slightly, there is a general consensus that third-party mediation improves the talks’ prospects for success. Cronin argues that mediation can generally create a “safety net,” moderate violence, and help initiate the talks.⁴⁵ Touval notes that even if a conflict is sometimes too complex for mediators to resolve, such as the one between Israel and the Palestinians, mediators can contribute to the evolution of a peace process by helping “conclude ‘small’ agreements reducing the conflict.”⁴⁶ Art and Richardson also highlight the importance of mediation in the Oslo Accords between the Israelis and the Palestinians, as well as the Good Friday Agreement in the Northern Ireland conflict.⁴⁷ Zartman and Faure regard mediation between states and terrorist groups as “generally necessary.”⁴⁸ Kyle Beardsley, who suggests the prudence of mediation in peace processes, even notes that “mediation can be strictly better—to the disputing parties as well as to the international community—than the alternative of escalating hostilities.”⁴⁹

Neutrality is not required of mediators. In fact, self-interest of mediators does increase the prospects of successful mediation, as shown by Maria Groeneveld-Savisaar and Siniša Vuković⁵⁰ as well as Beardsley⁵¹ and Touval.⁵² According to Beardsley, the incentives that motivate third-parties to mediate are: direct benefits that can be obtained if the conflict is resolved, such as avoiding an eventual refugee crisis; humanitarian values;

⁴⁴ Cronin, “When Should We Talk to Terrorists?” (United States Institute of Peace, Special Report 240, May 2010) ProQuest (868222573), 10, 12.

⁴⁵ Cronin, *How Terrorism Ends*, 65–6.

⁴⁶ Touval, *Peace Brokers*, 331.

⁴⁷ Art and Richardson, “Conclusion,” 579.

⁴⁸ Zartman and Faure, “Introduction,” 12.

⁴⁹ Beardsley, *Mediation Dilemma*, 178.

⁵⁰ Groeneveld-Savisaar and Vuković, “Terror, Muscle, and Negotiation,” 107, 109–10.

⁵¹ Beardsley, *Mediation Dilemma*, 51.

⁵² Touval, *Peace Brokers*, 16.

and receiving important benefits from mediation, such as enhancing their international relevance.⁵³

D. THE CASE STUDIES

This thesis analyzes the styles of international mediation in the Israeli-Palestinian, Northern Ireland, and Sri Lankan peace processes. The background of the conflicts and their development will not be specifically addressed in this thesis, given the limited focus of this work. Should readers want to address additional topics, they are encouraged to consult the vast amount of academic literature that covers those aspects of the conflicts.

1. Introduction to the Sri Lankan Case

The ethnic conflict in Sri Lanka between the Sinhalese majority and the Tamil minority gave rise to several ethno-nationalist terrorist groups, most notably the Liberation Tigers of Tamil Eelam. The LTTE engaged in an active war against the government of Sri Lanka from 1976 until 19 May 2009, when the Sri Lanka Armed Forces announced their military defeat after having killed the LTTE's leader, Velupillai Prabhakaran, the day before.⁵⁴ While this conflict that ended in a military defeat is commonly analyzed in terrorism studies, it is also used by mediation academics because of the third parties' attempt to bring peace to the conflict.

During the conflict, the government of Sri Lanka and the LTTE participated in four rounds of negotiations. The first three rounds—which took place from 8 July 1985 to 17 August 1985, 3 May 1989 to June 1990, and 13 October 1994 to 18 April 1995—were direct talks between the government and LTTE.⁵⁵ In February 2000, Sri Lankan President Chandrika Kumaratunga and the LTTE's leader Prabhakaran “formally

⁵³ Beardsley, *Mediation Dilemma*, 24.

⁵⁴ Thomas A. Marks, “Sri Lanka and the Liberation Tigers of Tamil Eelam,” in *Democracy and Counterterrorism*, ed. Robert J. Art and Louise Richardson (Washington, DC: United States Institute of Peace Press, 2007), 485, 488 ; Jonathan Goodhand and Benedikt Korf, “Caught in the Peace Trap?,” in *Conflict and Peacebuilding in Sri Lanka: Caught in the Peace Trap?*, ed. Jonathan Goodhand, Jonathan Spencer, and Benedikt Korf (New York: Routledge, 2011), 1.

⁵⁵ Sri Lankan Ministry of Defense, *Humanitarian Operation: Factual Analysis July 2006 –May 2009*, 28–29, http://www.defence.lk/news/20110801_Conf.pdf.

requested Norwegian government assistance in facilitating peace talks.”⁵⁶ Consequently, a fourth peace attempt began on 21 February 2002, but it was stalled by 2003 and came to an end in 2006 after failed attempts to revitalize the talks.⁵⁷

In addition to Norwegian mediation, other third parties also played notable roles in the conflict. Although India did not have an active mediation role in the conflict, in July 1987 the governments of India and Sri Lanka signed the Indo-Lanka Accord which established, among other things, the Indian Peace Keeping Force (IPKF) to “enforce the cessation of hostilities and the surrender of arms” of the Tamil militant groups.⁵⁸ The role of the IPKF in the conflict was short-lived: The troops left Sri Lanka in 1990 after failing to make the LTTE surrender its arms.⁵⁹ From this point, India would adopt a “hands-off policy” in the conflict.⁶⁰ Nevertheless, India showed support for the peace process and it was regularly informed and often consulted by the governments of Sri Lanka and Norway throughout the mediated peace process.⁶¹

Other third parties also played additional roles: the United States, Japan, the European Union, and—again—Norway materialized their involvement in the peace process through the Co-Chairs, an institution created at the Tokyo Conference on Reconstruction and Development in Sri Lanka in June 2003.⁶² This institution’s role in the peace process will be studied in Chapter III.

⁵⁶ Goodhand and Korf, “Peace Trap,” 5.

⁵⁷ Sri Lankan Ministry of Defense, “Humanitarian Operation”; Groeneveld-Savisaar and Vuković, “Terror, Muscle, and Negotiation,” 116.

⁵⁸ Chanaka Talpahewa, *Peaceful Intervention in Intra-State Conflicts: Norwegian Involvement in the Sri Lankan Peace Process* (Burlington, VT: Ashgate Publishing Company, 2015), 44.

⁵⁹ Ibid., 45.

⁶⁰ S. I. Keethaponcalan, “The Indian Factor in the Peace Process and Conflict Resolution in Sri Lanka,” in *Conflict and Peacebuilding in Sri Lanka: Caught in the Peace Trap?*, Jonathan Goodhand, Jonathan Spencer, and Benedikt Korf, eds. (New York: Routledge, 2011), 41.

⁶¹ Ibid., 43–4.

⁶² Groeneveld-Savisaar and Vuković, “Terror, Muscle, and Negotiation,” 126.

2. Introduction to the Israeli-Palestinian Case

The Israeli-Palestinian conflict is part of the bigger Arab-Israeli conflict. While peace processes have taken place between many of the conflicting parties in the region, this thesis is limited to the study of the peace process between Israel and Palestine because of its link to terrorism. As with the Sri Lankan case, the background of the Israeli-Palestinian conflict and its developments will not be specifically addressed.

This study focuses on the peace process between Israel and the Palestine Liberation Organization (PLO) because of the latter's organizational links to terrorism. Moreover, the study also focuses on the PLO—and not other Palestinian terrorist organizations—because the PLO ultimately became the central terrorist organization with which Israel negotiated, and also because the PLO was ultimately recognized as the representative of the Palestinian people. The PLO was formed in 1964 but it was not until 1968 that the organization's charter “was amended to reflect the ideology of militant groups like Fatah, which advocated Palestinian-initiated ‘armed struggle’ against Israel as the main vehicle for the liberation of Palestine.”⁶³ The PLO renounced terrorism in 1988, it was de-listed as a terrorist organization by the U.S. State Department in 1994, and it reformed its charter in 1996—by, among other things, including the recognition of Israel's right to exist—as a result of the advancement of the peace process in those years.⁶⁴

The significance of the PLO's renunciation of terrorism by Yasser Arafat in 1988 deserves a special analysis. In her study of nationalistic terrorist organizations (NTO), Stacie L. Pettyjohn notes that “even when an NTO's leader has repudiated terrorism, as Arafat did in 1988, such proclamation does not ensure that the leadership will actually

⁶³ Glenn E. Robinson, “Palestine Liberation Organization,” The Oxford Encyclopedia of the Islamic World, Oxford Islamic Studies Online, accessed 4 January 2016, <http://www.oxfordislamicstudies.com/article/opr/t236/e0618>.

⁶⁴ William B. Quandt, *Peace Process: American Diplomacy and the Arab-Israeli Conflict Since 1967*. 3rd ed. (Berkeley: University of California Press, 2005), 284–5; Michael Moran, “Terrorist Groups and Political Legitimacy,” Council on Foreign Relations, last modified 16 March 2006, <http://www.cfr.org/terrorism/terrorist-groups-political-legitimacy/p10159>; Yasser Arafat, “Palestine Liberation Organization: Arafat Letter of Assurance Affirming Changes in the PLO Charter,” Jewish Virtual Library, American-Israeli Cooperative Enterprise, 13 January 1998, <http://www.jewishvirtuallibrary.org/jsource/Peace/ArafatCharterAssurance.html>.

stop using violence or try to restrain others within the organization from doing so.”⁶⁵ She continues:

The NTO’s renunciation of violence needs to be permanent, meaning that its members internalize the norms of compromise and nonviolence. Otherwise, there is no guarantee that if the circumstances change, the terrorists will not again resort to terrorism. This situation occurred at the outset of the second intifada, when many members of the PLO, who had abstained from violence since 1993, resumed their attacks against Israel.⁶⁶

It is true—though beyond the scope of this analysis—that PLO members occasionally resorted to terrorism after these institutional changes. The formal repudiation of terrorism as a means of pressing the PLO’s agenda still marks a major development in the conflict and its resolution. Indeed, the renunciation made in 1988 along with two other landmark factors—specifically, the de-listing of the PLO as a terrorist organization and the PLO’s charter reform—speak directly to the topic of this study.

Terrorism and the PLO’s charter reform were key topics during the peace talks between Israel and the PLO, up until Camp David II. While this thesis acknowledges the existence of other mediated peace attempts between the conflicting parties beyond that stage, it also notes that the negotiating agenda between Israel and Palestine is much larger and covers other significant and mostly historical discussions, with which this thesis is not fundamentally concerned.

3. Introduction to the Northern Ireland Case

While the ethno-nationalist nature of the Northern Ireland conflict can be traced as far as to centuries, terrorism emerged in the region with the creation of the Provisional Irish Republican Army (PIRA or simply IRA) in 1970. Northern Ireland was divided into two communities when the terrorism conflict or “troubles,” as they were called, emerged: The Catholic or nationalist side, which included those regarded as republicans, i.e.,

⁶⁵ Stacie L. Pettyjohn, “U.S. Policy toward Nationalistic Terrorist Organizations: Isolate or Engage?,” in *Engaging Extremists: Trade-Offs, Timing, and Diplomacy*, ed. I. William Zartman and Guy Olivier Faure (Washington, DC: United States Institute of Peace Press, 2011), 150–1.

⁶⁶ Ibid., 151.

nationalist paramilitaries, such as the IRA; and the unionist or Protestant side, which also included those who were regarded as loyalists due to their membership in Ulster paramilitary groups.⁶⁷ On one side, unionists and loyalists sought to remain inside the United Kingdom; on the other, nationalists and republicans sought to withdraw from the United Kingdom and unite Ireland under one single state.⁶⁸

While the Irish Republican Army had been an active paramilitary force against the unionists and British since the partition of Ireland in the 1920s, the group was not militarily active by the 1960s, when Catholics took to the streets with demands for civil rights and were repressed by the local unionist government. Recognizing the need to fill a gap of representing nationalistic interests, part of the historic IRA membership formed the PIRA in 1970 and presented itself to the Catholics as their defenders. The Provisionals, as they were called, or simply the IRA—from 1970s onward—proposed to end the minority’s suffering by establishing an independent and united Ireland, thus rejecting British rule over Northern Ireland and unionists’ desire to remain as part of the United Kingdom.⁶⁹ The “troubles” went through three periods of violence: a quick escalation of violence between 1968 and 1972, constant levels of intense violence between 1972 and 1976, and a de-escalation period between 1976 and the consolidation of the Belfast Agreement or Good Friday Agreement in 1998.⁷⁰

Throughout the years, the British government resorted to “all the traditional instruments of the state—military, police, intelligence, legal and political—to try to bring about a permanent end to the violence.”⁷¹ Nevertheless, “the military soon realized that in spite of its extraordinary asymmetry in manpower, it could not defeat the IRA militarily.” Richardson writes that “it was this realization, reluctantly arrived at, that

⁶⁷ Macmillan Dictionary, s.v. “Ulster,” accessed 24 June 2015, <http://www.macmillandictionary.com/dictionary/british/ulster>. Ulster is a synonym for Northern Ireland, primarily used by unionists.

⁶⁸ Louise Richardson, “Britain and the IRA,” in *Democracy and Counterterrorism*, ed. Robert J. Art and Louise Richardson (Washington, DC: United States Institute of Peace Press, 2007), 67.

⁶⁹ Richardson, “Britain and the IRA,” 68.

⁷⁰ Ibid., 70.

⁷¹ Ibid., 76.

motivated efforts to seek a political solution.”⁷² Consequently, the British government initiated secret talks with the IRA in 1972 and undertook efforts to find a political agreement in seven occasions between 1974 and 1994.⁷³ The last effort took place when the Taoiseach Albert Reynolds—head of government of the Irish Republic—and the British Prime Minister John Major, issued on 15 December 1993 a joint declaration that established the terms under which Northern Irish paramilitary groups could enter in negotiations with the governments, thus setting a “starting point of a peace process designed to culminate in a political settlement.”⁷⁴

E. POTENTIAL EXPLANATIONS AND HYPOTHESES

States facing the decision to talk to terrorist groups do not only address the questions of why and when to talk, but also how to do so. Among the different conflict management strategies, the conflicting parties may choose international mediation to resolve their differences. The characteristics of the mediation conducted during a peace process will not only depend on the agreed framework for mediation between the parties, but also on the style of mediation by the provider.

While the nature of the provider does not always correspond to the style of mediation conducted, since different providers may conduct the mediation with a similar style, evidence suggests that individual mediators (whether officials or private individuals) are more likely to adopt a personalistic style of mediation. Moreover, different types of providers may create and integrate an ad hoc institution in a peace process to mediate between the conflicting parties.

Most academic works analyze mediation by studying the mediators’ roles and behavior, and such study is facilitated by the use of categories or typologies. This thesis seeks to identify an additional method—known as the styles of mediation—for predicting results of mediation and comparing mediation cases.

⁷² Richardson, “Britain and the IRA,” 78.

⁷³ Cronin, *How Terrorism Ends*, 43.

⁷⁴ George J. Mitchell, *Making Peace* (Berkeley, CA: University of California Press, 1999), 17–8; “Joint Declaration on Peace: The Downing Street Declaration, Wednesday 15 December 1993,” Conflict Archive on the Internet, University of Ulster, <http://cain.ulst.ac.uk/events/peace/docs/dsd151293.htm>.

II. PERSONALISTIC MEDIATION

The need of official individuals to conduct their work in accordance with the interests of their states may leave little room for personal interests, but as this chapter makes clear, the personal interest of individuals does play an important role in the mediation context. For example, U.S. mediation in the Israeli-Palestinian conflict throughout the 1980s and 1990s was a clear manifestation of American policy, and therefore it can be argued that the United States was a state mediator in the conflict. President Bill Clinton, however, was a key figure in some phases of the mediation, and due to his personal effort and interest it can also be argued that the mediation—especially at the Wye River Summit and Camp David II—was largely conducted by an individual mediator.

The mediation literature usually simplifies the categories of providers of mediation into three types: states, organizations, and individuals. Even though scholar Karin Aggestam notes J. Z. Rubin's observation that "all mediation entails the work of individuals,"⁷⁵ she emphasizes that individuals represent a separate category and that they can be divided among "informal mediators (private individuals/scholars) and formal mediators (official individuals)."⁷⁶ While Aggestam does not go any further with her distinction, the official status of individual mediators would seem to derive from their inextricable relation to either a state or an international organization.⁷⁷ An analysis of the categorization made by J. Michael Greig and Paul F. Diehl suggests that the distinction between states and official individuals lies in the type of interest behind the mediation—

⁷⁵ J. Z. Rubin, "Conclusion: International Mediation in Context," in *Mediation in International Relations: Multiple Approaches to Conflict Management*, ed. Jacob Bercovitch and J.Z. Rubin (New York: St. Martin's Press, 1992) quoted in Aggestam, "Quasi-Informal Mediation," 64–5.

⁷⁶ Aggestam, "Quasi-Informal Mediation," 65.

⁷⁷ Ibid. When talking about organizations as a category of mediators, Aggestam makes the distinction between of intergovernmental organizations and non-governmental organizations, stating that the first conduct formal mediation, while the latter often conduct informal mediation. Her analysis implies a reference to the status of subjects of international law.

whether a state's public policy is at issue or whether it is more a product of personal interest of the mediator.⁷⁸

Greig and Diehl's work, which focuses on mediation in the international system in general, also addresses the case of what the authors call private mediators, who are "individuals with significant experience in government service, leadership in religious organizations, or key positions within prominent international organizations."⁷⁹ Former President Jimmy Carter's mediation efforts—after he had left office—in the Eritrean War of Independence fall under this heading.⁸⁰ When referring to the characteristics of this type of mediation, the authors mention that "private individuals rely extensively on their personal prestige and diplomatic skills given that they lack the resources and elements of material power that would allow them to offer carrots and sticks to the disputants, or to provide any guarantee to the parties for any settlement that might be reached."⁸¹

Even though Greig and Diehl do not mention any case of private mediators in terrorism conflicts, it is clear that private individuals' mediation shares the same characteristics of the personalistic style of mediation addressed in this chapter, with the exception that the mediation studied here was conducted by officials, not private individuals. Consequently, Greig and Diehl's reference to private mediators' drawbacks does not apply here, given that mediators in terrorism conflicts have indeed been official mediators; due to their official status, they had more resources, leverage, and guarantees at their disposal than a simple individual not linked to a state or international organization. Nevertheless, the authors' stress on an individual mediator's personal reputation and skillfulness does align with the characteristics of personalistic mediation analyzed in this chapter.

In sum, this chapter will study the characteristics of the personalistic style of mediation, which may be found by highlighting the personal interest, efforts, and

⁷⁸ Greig and Diehl, *International Mediation*, 64–5 (my interpretation).

⁷⁹ Ibid., 70.

⁸⁰ Ibid.

⁸¹ Ibid.

leadership in mediation between states and terrorist organizations. The Sri Lankan and Israeli-Palestinian conflicts will be used to analyze this style of mediation.

A. MEDIATION IN THE SRI LANKAN CONFLICT

Norwegian involvement in Sri Lanka was officially regarded as facilitation by both conflicting parties and Norway itself.⁸² Emphasis is generally not placed on the role of facilitators themselves, but rather on the Royal Norwegian government and its Ministry of Foreign Affairs; indeed, Norwegian facilitation was welcomed into the peace process because both the government of Sri Lanka and the LTTE regarded Norway as an overall suitable country for conducting the mediation.⁸³ Therefore, the first choice made was regarding the country and not specific individuals. Nevertheless, as this section shows, the facilitation carried out by the Norwegians could be described as personalistic.

Erik Solheim's involvement in Sri Lanka began well before the official request came to facilitate the conflict. As reports show, Solheim—a Norwegian Member of Parliament—had spent some time writing his autobiography in early 1998 in the house of former Norwegian politician Arne Fjørtoft, in Colombo, the capital of Sri Lanka. Later that year, Solheim—who had recently resigned as the head of the Socialist Left Party—found himself immersed in the conflict when the LTTE requested his help to obtain foreign medical treatment for the top-ranking LTTE representative, Anton Balasingham.⁸⁴ A study by Jonathan Goodhand, Bart Klem, and Gunnar Sørbø notes that “after lengthy, top secret explorations with Sri Lankan officials, this [was] achieved and it [was] on this occasion that Norway [was] asked by Balasingham to take on the role as facilitator.”⁸⁵ Consequently, the already existing Norwegian links to the conflict that had

⁸² Talpahewa, *Peaceful Intervention*, 68. For the purposes of this thesis, facilitation will be understood as a type of mediation, along with formulation and manipulation. This categorization, which is used by scholars analyzing the Norwegian facilitation in Sri Lanka, was put forward by Saadia Touval and I. William Zartman. Talpahewa, *Peaceful Intervention*, 55–6.

⁸³ Talpahewa, *Peaceful Intervention*, 72–83.

⁸⁴ Jonathan Goodhand et al., “Pawns of Peace: Evaluation of Norwegian Peace Efforts in Sri Lanka, 1997–2009,” Norad, September 2011, 31, <https://www.norad.no/en/toolspublications/publications/2011/pawns-of-peace-evaluation-of-norwegian-peace-efforts-in-sri-lanka-1997-2009/>.

⁸⁵ Ibid.

been built—in one way or another—throughout the 1990s, had now placed Solheim in the frontline of the events on the Norwegian side.⁸⁶

Solheim also began establishing a relationship with the government of Sri Lanka. Scholar Chanaka Talpahewa argues that Solheim “was acceptable” to Sri Lanka by mid-1999 and, as a result, he was designated as “Special Envoy to the Peace Process in Sri Lanka in March 2000.”⁸⁷ The author highlights that “the fact that Solheim had visited Sri Lanka in 1998, had studied the country for over two years, and had built up his contacts among some of the stakeholders to the conflict may have had a bearing on his appointment.”⁸⁸ Hence, Solheim’s personal attributes—built on his knowledge and association with the politics and people in Sri Lanka during the late 1990s—can be deemed the foundation for his involvement in the peace process in the following years.

The importance of Solheim as a key figure in the facilitation can also be analyzed due to his standing throughout the peace process. Although the conflicting parties approved Solheim’s role, his figure did not escape from controversy. Though Solheim often relied on the Norwegian Ambassador to Colombo, Jon Westborg, Solheim himself was the central person in the facilitation.⁸⁹ But by June 2001 Solheim’s role and reputation was questioned by President Chandrika Kumaratunga and her Foreign Minister, Lakshman Kadirgamar, who met with then Norwegian Foreign Minister Thorbjørn Jagland and requested Norway to “upgrade” its facilitation role.⁹⁰

Such controversy arose from, first, what scholars identify as “a general perception that Solheim was too accessible to the media and that much of what he was sharing with the journalists was not helpful to the commencement of negotiations,” and second, his apparent close connections to the LTTE.⁹¹ Consequently, Jagland agreed with

⁸⁶ Goodhand et al., “Pawns of Peace,” 29–31.

⁸⁷ Talpahewa, *Peaceful Intervention*, 91.

⁸⁸ Ibid.

⁸⁹ Ibid., 125”; Vidar Helgesen and Erik Solheim, “The Straight Talkers,” in *Kings of Peace, Pawns of War: The Untold Story of Peace-Making*, ed. Harriet Martin (New York: Continuum, 2006), 120–1.

⁹⁰ Talpahewa, *Peaceful Intervention*, 114.

⁹¹ Ibid.

Kamaratunga to remove Solheim from his role, but the LTTE’s opposition to the decision finally helped him remain in the process; however, “the team [was] headed by State Secretary Raymond Johansen, who [was] soon replaced by Vidar Helgesen following the September 2001 elections in Norway.”⁹² Hence, Norway “upgraded” its mission by incorporating more high-ranking Norwegians in the process. Meanwhile, Solheim—facing controversy—was saved by his reputation and importance in the facilitation, at least in the eyes of the LTTE.

As noted, Solheim did not only face and survive the Sri Lankan political controversy, but also weathered more political uncertainty following the elections in both Sri Lanka and Norway. During her term and until the elections of December 2001, President Kumaratunga (from the People’s Alliance) had worked alongside prime ministers who were political allies; however, those elections marked a government shift. Ranil Wickremesinghe (from the oppositionist United National Front) became Prime Minister. By building a relationship with Wickremesinghe and his party months before the election, Solheim had managed to gain the new Prime Minister’s trust; this trust may have been an important factor for his permanence in the process.⁹³

Additionally, there was a change in Norway’s domestic political leadership in 2001. Talpahewa highlights:

The resignation of the incumbent government of Norway in September 2001 did not have a significant impact on its role in Sri Lanka. The new coalition government of Conservatives and Christian Democrats, led by Prime Minister Bondevik, continued with Solheim as Special Envoy, with Foreign Minister Jan Petersen and Deputy Foreign Minister Vidar Helgesen in charge of the Sri Lankan peace process. By continuing with Solheim, who had already established himself with the two main parties, as well as some of the other stakeholders in the conflict in Sri Lanka, Norway ensured the continuity of its involvement and gave a clear message that a change of government in Norway would not affect its role as facilitator.⁹⁴

⁹² Goodhand et al., “Pawns of Peace,” 34.

⁹³ Talpahewa, *Peaceful Intervention*, 115–6.

⁹⁴ Ibid., 116.

While Talpahewa attributes the role of facilitator to Norway as a country rather than to Solheim himself, his characterization of Solheim can be regarded as a connection to personalistic mediation. Even though Solheim was not the only facilitator anymore, the confirmation of Solheim’s role by the new government, despite the political change, speaks about his importance in the process. Though Helgesen became the head of the facilitation team, Solheim was “in charge of the daily running of the process.”⁹⁵

Indeed, Helgesen complemented the status of the Norwegian facilitation team. Solheim’s and Helgesen’s account of the events that led to the upgrading of the team notes that Kumaratunga did not want to end the Norwegian facilitation in June 2001 but rather “upgrade their involvement, saying she felt that a more senior level of engagement could get things kick-started.”⁹⁶ The facilitators mention that Helgesen’s status and rank as a Minister of State was “tremendously important for both parties: For the Tigers, it [had] been a proxy recognition because Helgesen [represented] a government; for the Sri Lankan government negotiators, three of whom were themselves ministers, it was a question of their own status and respect.”⁹⁷ A Sri Lankan government team member said of Helgesen: “For our side, the fact he was a minister helped immensely. He had the status.”⁹⁸

Hence, Helgesen’s rank in the Norwegian government could be interpreted as a complement to Solheim’s status in the peace process. Both facilitators note that “the public image of the Norwegian’s [sic] peace mediation is unusual in that it is not a one-man band but a two-man show. . . Helgesen is keen to stress the importance of the team in the Norwegian’s [sic] approach to peace mediation.”⁹⁹ Nevertheless, Solheim remained deeply involved in the process—unlike Helgesen—after subsequent political change in Norway.

⁹⁵ Goodhand et al., “Pawns of Peace,” 35.

⁹⁶ Helgesen and Solheim, “Straight Talkers,” 106.

⁹⁷ Ibid., 114.

⁹⁸ Ibid.

⁹⁹ Ibid., 120.

The new Norwegian government inaugurated in 2005 brought some changes: “Helgesen [left] office, Solheim [became] Minister of International Development, and in March 2006 Jon Hanssen-Bauer [took] his place as Special Envoy for Sri Lanka.”¹⁰⁰ Though no longer special envoy, the Norwegian Foreign Ministry noted that Solheim would still “lead the work, visit Sri Lanka regularly, and be responsible for Norway’s role as facilitator of the peace process.”¹⁰¹ Again, Solheim remained as the key facilitator in the peace process.

One of the central pieces of the peace process and Norway’s involvement was the Ceasefire Agreement (CFA) signed between the government of Sri Lanka and the LTTE on 22 February 2002. While most academics praise Norway’s role in the signing of the CFA, there is no scholarly consensus regarding Norway’s efforts in implementing the agreement. On the one hand, Talpahewa argues that “although the CFA brought about a temporary truce, resulting in a significant reduction of battle-related deaths and a semblance of normalcy in the conflict-affected areas, it did not move beyond this initial stage.”¹⁰² On the other hand, Audrey K. Cronin believes that Norway’s involvement in the process “was probably the main reason why violence was modulated there at all.”¹⁰³

Such differences regarding Norway’s role after the CFA was signed may be linked to the various assessments of Norway’s role throughout the peace process. Norwegian involvement in Sri Lanka took three forms: as the official mediator, as a member of the Sri Lanka Monitoring Mission (an institution created by the CFA and mandated to monitor the cease-fire), and as a Co-Chair of the Sri Lanka Donor Group (an institution that is studied in Chapter III of this thesis). Indeed, Talpahewa analyses the overall Norwegian involvement in Sri Lanka and not just the official mediation. Consequently, Solheim’s role as a mediator may tend to be overshadowed by the shortcomings of Norwegian involvement in other areas. The Norwegian mediation was

¹⁰⁰ Goodhand et al., “Pawns of Peace,” 57.

¹⁰¹ Norwegian Ministry of Foreign Affairs, “Jon Hanssen-Bauer Appointed as New Special Envoy for the Peace Process in Sri Lanka,” Press release, 17 March 2003, <https://www.regjeringen.no/en/aktuelt/jon-hanssen-bauer-appointed-as-new-speci/id419881/>.

¹⁰² Talpahewa, *Peaceful Intervention*, 191.

¹⁰³ Cronin, *How Terrorism Ends*, 66.

not only decisive in bringing the conflicting parties together to negotiate the CFA, but also in designing the CFA itself—Solheim is largely credited for crafting the CFA.¹⁰⁴

Although Solheim's reputation was sometimes placed under scrutiny by Sri Lankan officials for his alleged bias toward the LTTE, his knowledge of Sri Lanka, resilience, patience, and political mediation training he had had during his times as a politician were also often highlighted in both Sri Lanka and in Norway.¹⁰⁵ Solheim's mediation style was not only characterized by his crucial personal efforts in the pre-negotiated period and in achieving the CFA, but also by his permanence as the key Norwegian mediator throughout the peace process—weathering political change in Sri Lanka and Norway, and his good reputation among the two conflicting parties and the two main political blocks in Sri Lanka.

B. MEDIATION IN THE ISRAELI-PALESTINIAN CONFLICT

The analysis of the Israeli-Palestinian conflict will cover the mediated peace processes between Israel and the PLO, from the 1980s to the 2000 Camp David Summit (also known as Camp David II). In particular, the following four mediation cases are analyzed: U.S. Secretary of State George Shultz's initiative, U.S. Secretary of State James Baker's efforts toward the Madrid Conference, Norwegian Foreign Minister Johan Jørgen Holst's efforts toward the Oslo Accord, and U.S. President Bill Clinton's efforts at the Wye River Summit and Camp David II. While there were more mediation efforts by other individuals, these did not produce significant agreements or progress in the process. Consequently, the selection of these four cases was based on the importance of the mediation conducted by those individuals, either by moving the process forward by creating opportunities and opening channels for negotiations, or ultimately helping the parties reach agreements.¹⁰⁶

¹⁰⁴ Talpahewa, *Peaceful Intervention*, 117–25.

¹⁰⁵ Ibid., 93.

¹⁰⁶ While this thesis often relies on Quandt's *Peace Process* because such book is a comprehensive analysis of the topics in question, readers may also complement this account with Dennis Ross, *The Missing Peace: The Insider Story of the Fight for Middle East Peace* (New York: Farrar, Straus and Giroux, 2004) and William J. Clinton, *My Life* (New York: Alfred A. Knopf, 2004).

1. George Shultz

The attention given to the Israeli-Palestinian conflict during President Ronald Reagan's administrations was largely a result of the personal interest of his Secretary of State, George Shultz, who served as such from July 1982 until the end of Reagan's second term in January 1989. Scholar William B. Quandt notes that "during his initial confirmation hearings before the Senate in July, Shultz showed himself to be a careful, well-informed person, who seemed attentive to the nuances of the Middle East regional setting. He addressed the Palestinian issue in a forthright manner."¹⁰⁷ Shortly after his appointment, Shultz began working on a "fresh initiative" for the Arab-Israeli conflict, which won Reagan's support as soon as a month after he had been appointed.¹⁰⁸ The American focus on the Palestinian side of the conflict came after the PLO left Lebanon following the 1982 Siege of Beirut; that context prompted Shultz to urge "the president to seize the moment to outline the new plan for a diplomatic settlement of the Israeli-Palestinian conflict."¹⁰⁹ In 1982, the American preference with respect to the conflict was to create "some form of association between the West Bank, Gaza, and Jordan."¹¹⁰ After failed attempts to bring Jordan and the PLO to work together, the link between the two parties was formalized—after three years of negotiations—in the Hussein-Arafat Accord on 11 February 1985.¹¹¹ This agreement outlined, among other things, the creation of a Jordanian-Palestinian confederation and of a joint Jordanian-Palestinian delegation for an eventual international conference, intended to hold the peace talks.¹¹²

Given the positive context, Shultz urged President Reagan to move forward with the idea of a US-Jordanian-Palestinian meeting to prepare the grounds for a peace process—focused on the Palestinian issue—between Israel and a joint Jordanian-

¹⁰⁷ Quandt, *Peace Process*, 253.

¹⁰⁸ Ibid., 253–4.

¹⁰⁹ Ibid., 254.

¹¹⁰ Ibid., 255.

¹¹¹ Ibid., 255, 261.

¹¹² Israel Ministry of Foreign Affairs, "The Hussein-Arafat Accord," 11 February 1985, <http://www.mfa.gov.il/mfa/foreignpolicy/mfadocuments/yearbook7/pages/42%20the%20hussein-arafat%20accord-%2011%20february%201985.aspx>.

Palestinian delegation. But the peace talk attempt soon faced developments that led to its failure. Although Israel disliked the idea of Americans talking to any Palestinians, Reagan only opposed American officials meeting with people associated with the PLO. Shultz could not soften Reagan on that issue and the vetting of Palestinian members of the delegation eventually led the idea of the meeting to fall apart. The relationship between Jordan's King Hussein and Arafat began to crumble by October 1985, only months after they had reached their agreement, prompting Hussein to drop the Jordanian-Palestinian coordination on 19 February 1986, days before the one-year anniversary of the agreement.¹¹³

Seeking peace with Israel, King Hussein began reintroducing in 1986 the idea of an international conference.¹¹⁴ After Jordan and Israel received Shultz's support, the Secretary of State went after Reagan's approval for the idea and succeeded in his quest.¹¹⁵ The late 1987 intifada and the Israeli response placed worldwide attention on the regional conflict and thus strengthened the search for an agreement toward the international conference proposal.¹¹⁶ Consequently, Shultz began to "explore with all the parties, this time including Syria, the Soviets, and some individual Palestinians, as well as with Jordan and the Israelis."¹¹⁷ Quandt notes that "the Palestinian issue, according to Shultz, should be addressed in negotiations between an Israeli delegation and a Jordanian-Palestinian delegation."¹¹⁸

Shultz quickly became the master architect of the peace attempt during the second half of the 1980s. His initiative "outlined the conventional goal of a comprehensive peace to be achieved through direct bilateral negotiations based on Resolutions 242 and 338" and contemplated that "the time scale envisioned in Camp David should be

¹¹³ Quandt, *Peace Process*, 263–5.

¹¹⁴ Ibid., 270–1.

¹¹⁵ Ibid., 273.

¹¹⁶ Ibid., 274.

¹¹⁷ Ibid., 274–5.

¹¹⁸ Ibid., 275.

compressed.”¹¹⁹ In addition, his plan specifically noted that the Israeli-Palestinian conflict had to be dealt with through bilateral negotiations between the parties, but he also outlined a strong American involvement, which could be understood as mediation. Moreover, he also stressed the need for an international conference to take place before bilateral talks.¹²⁰

Shultz did not, however, have an easy task ahead of him. He tried to tackle Israeli Prime Minister Yitzhak Shamir’s opposition to the initiative, Palestinian opposition to being relegated under Jordan, and the lack of Soviet enthusiasm regarding the conference. But upon reaching out to his key partner King Hussein, Shultz was left alone in the initiative after Jordan “relinquished all Jordanian legal and administrative ties to the West Bank, stating bluntly that henceforth the PLO would be responsible for the Palestinians living there.”¹²¹

With the idea of an international conference left on stand-by, the United States now sought to establish a direct link with the PLO. In 1988, two paths paved the way toward an U.S.-PLO understanding: along one path, American Jewish leaders—together with the Swedish government—explored a contact with the PLO; along the other, another contact with the PLO was explored by Mohamed Rabie, a Palestinian American. Eventually, the Swedish mediated channel succeeded in connecting Shultz with Arafat: The result was that the PLO would agree to American terms for the beginning of the talks. The terms—which were elaborated by Shultz—included, among other things, the PLO’s condemnation and renouncement of terrorism. Arafat went ahead with the demands, but did not quite use the language proposed by Shultz. Consequently, Arafat had to reaffirm the PLO’s stance against terrorism and he explicitly renounced it. Shultz had succeeded not only in making the PLO take such importance step, but also in opening U.S.-PLO talks.¹²²

¹¹⁹ Quandt, *Peace Process*, 275.

¹²⁰ Ibid.

¹²¹ Ibid., 277.

¹²² Ibid., 278–285.

Shultz's plan for an international conference had not succeeded and the bilateral Israeli-Palestinian agenda did not really experience a major breakthrough, yet the United States had made a significant step to help future negotiations. With the opening of the U.S.-PLO channel, Shultz set a landmark precedent for future U.S. mediation in the conflict.

2. James A. Baker III

The new administration of President George H. W. Bush and his secretary of state, James A. Baker III, tried to build on the newly created U.S.-PLO channel, but because this communication did not include Arafat, they often relied on the good offices of the Swedish government and Egypt's President Hosni Mubarak to transmit high-level messages to the PLO's leader. Soon after taking office, Baker established contact with Israeli Prime Minister Shamir with the intention of proceeding with the peace process; Baker also directed his efforts to putting together a long-awaited list of Palestinian negotiators. Nevertheless, the peace process suffered a setback in 1990 when violence erupted in the region and the PLO was accused of not holding up its renouncement of terrorism; consequently, in July that year, the U.S.-PLO channel was suspended. The peace process endured a more serious interruption still with the eruption of the Gulf War in 1991.¹²³

The postwar context was, however, favorable to the peace process. President Bush recognized the favorable historical context for the peace process at a joint session of Congress in March 1991.¹²⁴ As Bush's Secretary of State, Baker took up the peace mission and engaged in shuttle diplomacy throughout the Middle East. Quandt notes that "Baker began to resemble a former secretary of state, Henry Kissinger, who had rushed to the region in the aftermath of another war, in 1973."¹²⁵ Baker recognized that "the strategic moment made the United States a credible neutral broker in the Middle East, and we looked for ways to take advantage of that reality. We also sought ways to use our

¹²³ Quandt, *Peace Process*, 297–303.

¹²⁴ Ibid., 306.

¹²⁵ Ibid., 303.

unique credibility in the region to exert leverage on each of the parties to pursue peace. Although there were in fact new realities that augured well for peace, no one in the Middle East wanted to blink first. So it was our job as mediator both to push and to pull the region toward peace.”¹²⁶ Baker envisioned a two-track approach to the Middle East: Bilateral talks between Israel and Palestine, and the organization of a regional peace conference—co-chaired by the United States and the Soviet Union—that would bring together Israel and its Arab neighbors.¹²⁷ Pursuing such vision, he went on a shuttle diplomacy, making eight trips to the Middle East from March to October 1991.¹²⁸

Baker’s trips included visits to Saudi Arabia’s King Fahd, Mubarak, Shamir, delegations of Palestinians, Syria’s Hafez al-Assad, and King Hussein. Much of his diplomacy consisted in gaining support for the peace conference, which included overcoming Shamir’s strong objection to any PLO intromission, downplaying Assad’s demands concerning the framework of the conference, softening Shamir’s opposition to UN participation, and making the Palestinians drop their insistence of having representatives from East Jerusalem (something that would have killed the entire process). Baker also agreed to make some concessions: The United States pledged its support to repealing the “Zionism-is-racism” resolution at the United Nations, and letters of assurances were issued to Israel and then—after Arab demand—to Syria, Jordan, and the Palestinians. Even though the PLO did not officially attend the conference, the organization participated in the shadows by selecting the names of the Palestinian negotiators who formed the Jordanian-Palestinian delegation.¹²⁹

The result of Baker’s shuttle diplomacy was significant: All concerned parties attended the Madrid Conference held from 30 October to 1 November 1991. Although the invitations to the conference were issued by both Baker and his Soviet counterpart Boris Pankin, and the conference was co-chaired jointly by the United States and the

¹²⁶ James A. Baker III, “The Road to Madrid,” in *Herding Cats: Multiparty Mediation in a Complex World*, eds. Chester A. Crocker, Fen Osler Hampson, and Pamela Aall (Washington, DC: United States Institute of Peace Press, 1999), 187–8.

¹²⁷ Ibid., 188.

¹²⁸ Quandt, *Peace Process*, 306.

¹²⁹ Baker, “Road to Madrid,” 189–202; Quandt, *Peace Process*, 308, 310.

Soviet Union, bringing all parties together was largely a U.S. triumph.¹³⁰ Quandt notes that because of the unfolding events in the Soviet Union, especially the August 1991 attempted coup against Gorbachev, “whatever slight chance there might have been for the Soviets to play an effective role as cochairman in the peace talks came to an end.”¹³¹

Although the PLO presence at the conference was disguised, the Madrid Conference was a landmark in the Israeli-Palestinian peace process. One of the key successes of the conference was that “for the first time in recent history, the Palestinians were present, speaking on their own behalf.”¹³² Following the Madrid Conference, “the parties would repeatedly be brought to the negotiating table—first in Washington in December 1991, then in January, in March, and again in April 1992, to be followed by more meetings in Rome.” Nevertheless, “despite appeals from the Arabs for more substantive American involvement, Bush and Baker held back.”¹³³ Not surprisingly, the United States stuck to its mediating convention of wanting the parties to talk and reach agreements between each other, and not work on American formulas for each one of their conflicting issues.¹³⁴

In conclusion, U.S. mediation in the Middle East during George H. W. Bush’s administration was primarily a personal effort of Secretary of State James Baker. While Baker had been interested in achieving progress in the peace processes in the Middle East before the Gulf War crisis erupted, his motivation to achieve regional peace was potentiated with the window of opportunity that emerged after the war ended. In particular, he engaged in shuttle diplomacy at the highest levels throughout the Middle East, and developed a two-track approach to deal specifically with the Israeli-Palestinian conflict. Baker resurrected Shultz’s idea of an international conference and went to great lengths to bring about it: He not only planned the conference, but also exercised leverage, tackled obstacles, and granted concessions among the parties to bring them to the

¹³⁰ Baker, “Road to Madrid,” 203.

¹³¹ Quandt, *Peace Process*, 309.

¹³² Ibid., 311.

¹³³ Ibid.

¹³⁴ Ibid.

negotiating table. The historic Palestinian representation in the Madrid Conference may be his greatest mediation success in the peace process.

3. Johan Jørgen Holst

Although an important step had been taken in Madrid by bringing Israelis and Palestinians together, the months following the conference did not look promising. Contrary to what Israel had hoped, the Palestinian delegates could not stand for themselves as independent negotiators, since they were under the PLO's oversight. Scholars note that “at that point, many people began to feel that the conflict could only be resolved through direct talks between Israel and the PLO . . . but this was difficult because Israel did not recognize the PLO as a representative of the Palestinian people.”¹³⁵ In effect, further progress in the peace process seemed to inevitably include the official participation of the PLO—and this would soon be achieved through Norwegian mediation.

In 1992, Norway took advantage of its close relations with Israel and Arafat and explored a channel for negotiations. With the approval of Norwegian Foreign Minister Thorvald Stoltenberg, the Deputy Minister for Foreign Affairs, Jan Egeland, went ahead with the idea, along with his assistant Mona Juul, and Terje Rød Larsen, the director of the Institute for Applied Social Science (FAFO). They contacted the Israeli Foreign Affairs Deputy Minister Yossi Beilin, who welcomed the idea to establish the channel and pointed them toward two Israeli academics from an NGO called “Economic Cooperation Foundation:” Yair Hirschfeld and Ron Pundak. On the side of the PLO, a contact was established with the PLO’s Economy Minister Abu Alá, and two other high-ranking PLO officials, Hassan Asfour and Maher el-Kurd.¹³⁶

The PLO officials and the Israeli academics, together with Norwegian facilitators, convened on 20–22 January 1993 in Sarpsborg, near Oslo, Norway, under the false

¹³⁵ Dean G. Pruitt, Jacob Bercovitch, and I. William Zartman, “A Brief History of the Oslo Talks,” *International Negotiation* 2, no. 2 (1997): 178, ProQuest (43726859).

¹³⁶ Jan Egeland, “The Oslo Accord: Multiparty Facilitation through the Norwegian Channel,” in *Herding Cats: Multiparty Mediation in a Complex World*, ed. Chester A. Crocker, Fen Osler Hampson, and Pamela Aall (Washington, DC: United States Institute of Peace Press, 1999), 532–3.

pretense of a FAFO seminar.¹³⁷ The Norwegian team, composed by Egeland, Juul, and Larsen, facilitated the talks and assisted with the logistics of the meetings, all under strict secrecy. By the third meeting, a draft declaration of principles had emerged between the two parties; more progress was made in the following two meetings. While the PLO side counted as official representation, Israel was still being represented by the academics. Consequently, after verifying the seriousness of the meetings, Israeli Prime Minister Yitzhak Rabin and his Foreign Minister Shimon Peres assigned the Director General of the Foreign Ministry Uri Savir to be the official Israeli representative to the talks,¹³⁸ making it the first ever official encounter between Israel and the PLO.¹³⁹

The talks, which had been promising in their first nine rounds, broke down in July, and the Norwegians had to intercede. New positions and disagreements over the drafts prompted Egeland, Larsen, and Juul to try to bring the parties to common ground. With the negotiations stalled, Johan Jørgen Holst—who had succeeded Stoltenberg in April as the head of the Norwegian Foreign Ministry—began to take a more personal approach in the facilitation. Holst, together with Juul and Larsen, held meetings with Arafat in July. Days later, Juul and Larsen also met with Rabin to guarantee the continuity of the talks, a goal they achieved.¹⁴⁰

With Rabin and Arafat still on board, the negotiations began to scale-up on key points. As Egeland notes, “as in other tough negotiations the final points of contention were lifted to the highest levels.”¹⁴¹ The Norwegian team had set themselves a target for reaching an agreement by Peres’ visit to Scandinavia in mid-August. As Egeland recalls:

In the early morning of August 17, Peres called Foreign Minister Holst, who was visiting in Iceland: “Can you meet me discreetly in Stockholm tonight? It is now or never.” That night Holst sat for eight hours with a phone at the Swedish Haga Castle and transmitted messages from Peres next door to Arafat, who sat in his office in Tunis. At 5:00 a.m. the final

¹³⁷ Maher el-Kurd would later be replaced with Mohamed Abu Koush.

¹³⁸ Paul Singer, another Israeli official, joined the Israeli team shortly after.

¹³⁹ Pruitt, Bercovitch, and Zartman, “Brief History,” 178–80.

¹⁴⁰ Egeland, “Oslo Accord,” 535–7.

¹⁴¹ Ibid., 537.

wording on security for Israeli settlers and on the location and authority of the future Palestinian Council were agreed on. The negotiators embraced in Tunis as well as at the Swedish castle.¹⁴²

By holding that “delicate three-way conversation,” as scholars put it, “Holst was the consummate conduit, informed, courteous, patient, and totally non-interfering.”¹⁴³ Pruitt, Bercovitch, and Zartman highlight that, “like any self-effacing mediator, Holst’s last words to Arafat were: ‘You did it. Congratulations.’”¹⁴⁴ The document was initiated by the Israeli and Palestinian negotiators on 20 August. The memorable ceremony, however, took place when Rabin and Arafat signed the Declaration of Principles on Interim Self-Government Arrangements (or simply known as the Declaration of Principles—DOP—or Oslo Accord) and shook hands on 13 September 1993 in the White House.¹⁴⁵

Notably, the road to the Oslo Accord made its way through what is referred to as track II diplomacy (in this case, through unofficial and informal channels, such as with the presence of academics), but it was governmental mediation that assured the success of the process.¹⁴⁶ While for the most part the Norwegian facilitation between the conflicting parties was conducted by a team (Egeland, Juul, and Larsen), it was the personal effort of Foreign Minister Holst that succeeded in bringing the parties to the agreement. Notwithstanding the roles of Soltenberg, Egeland, and Juul, Aggestam argues that “it was the sociologist Larsen and the new Norwegian Foreign Minister Holst—each in their own capacity as an informal and formal mediator—who in a decisive way influenced the negotiation process.”¹⁴⁷ Aggestam continues: “When the secret channel turned from a back to a front channel and with the prospect to conclude a DOP, Holst augmented his role as a mediator.” With regard to Larsen, Aggestam says that he “played a significant

¹⁴² Egeland, “Oslo Accord,” 537.

¹⁴³ Pruitt, Bercovitch, and Zartman, “Brief History,” 181.

¹⁴⁴ Ibid.

¹⁴⁵ Ibid.

¹⁴⁶ Aggestam, “Quasi-Informal Mediation,” 59.

¹⁴⁷ Ibid., 65.

role in improving communication and facilitating a supportive negotiation milieu.”¹⁴⁸ While Aggestam’s work focuses in highlighting both Larsen and Holst as individual mediators, Holst’s role appears more relevant to the focus of this thesis, given his leadership in helping Arafat and Peres reach the agreement.

In short, while the role of the Norwegian mediating team was crucial in handling the logistics and secrecy of the talks, the groundbreaking mediation that eventually resulted in signing of the Oslo Accord was primarily a result of Holst’s personal skills. Shortly after his appointment, the Norwegian Foreign Minister helped the parties to overcome their stalemate. Once the talks were back on track, the key negotiated points quickly scaled up the command chain and involved the two conflicting parties’ leaders; consequently, Holst’s rank as a Foreign Minister stood him up to the demanding circumstances and positioned him as a high-level mediator. In effect, by asking Holst to be the communicator between the two parties, Peres trusted him with the crucial and final phase of the talks. Holst’s personal approach—based on his reputation and skills—was thus essential in reaching the agreement.

4. Bill Clinton

As it has been noted, the months following the 1991 Madrid Conference did not witness signs of progress in the Israeli-Palestinian peace process. With President Bill Clinton in office by 1993, Washington started focusing on the enhanced role that the United States could play to facilitate further progress between the parties. Nevertheless, the American channel was placed on stand-by because of the ongoing and secret Norwegian channel that eventually led to the signing of the Oslo Accord.¹⁴⁹ With President Clinton arranging the DOP signing ceremony in the White House, the United States delivered the message that it “would be ready and willing to lend its help for further steps on the way to Arab-Israeli peace.”¹⁵⁰

¹⁴⁸ Aggestam, “Quasi-Informal Mediation,” 65.

¹⁴⁹ Quandt, *Peace Process*, 327.

¹⁵⁰ Ibid., 328

Though not groundbreaking, some progress was made in the Arab-Israeli peace process during Clinton's first term. Talks with Syria and Jordan had some positive results, and the Palestinian front brought three more documents: the Cairo Agreement, the Oslo II Accord, and the Hebron agreement. The first document, which was crafted with limited American involvement, dealt with some implementation details of the original Oslo Accord. The Oslo II Accord—signed on 28 September 1995 in Washington with the presence of Clinton, Mubarak, and Hussein—dealt primarily with geographic dispositions in the conflicting zone and institutional aspects of the newly created Palestinian Authority. The Hebron agreement, which was signed in the last days of Clinton's first term in 1997 between the new Israeli Prime Minister Benjamin Netanyahu and Arafat, was crafted with more American involvement and dealt with Israel withdrawals in that city, in accordance with Oslo II.¹⁵¹

While “nothing happened in Clinton’s first term comparable to the Kissinger shuttles, Camp David, or Baker’s organization of the Madrid conference,” two developments that took place during Clinton’s second term stand out as landmark moments in the Israeli-Palestinian peace process: the Wye River Summit and Camp David II.¹⁵² The strategy that led to the Wye talks was constructed by Clinton with the assistance of his Secretary of State, Madeleine Albright. By September 1998, “Albright and Clinton began to turn up the heat on Netanyahu and Arafat to break the nearly two-year-old negotiating deadlock.”¹⁵³ The idea was that the PLO would enhance its security efforts, reaffirm its respect toward Israel, and Israel would make further territory withdrawals.¹⁵⁴ In October 1998, Clinton invited Arafat and Netanyahu for a summit at the Wye River plantation in Maryland. Netanyahu was assisted by his Foreign Minister Ariel Sharon, and Clinton relied on Secretary Albright and advisors Sandy Berger and Dennis Ross.¹⁵⁵ During the summit, Clinton broke a seven-day stalemate between the

¹⁵¹ Quandt, *Peace Process*, 330–6, 346.

¹⁵² Ibid., 340.

¹⁵³ Ibid., 354.

¹⁵⁴ Ibid.

¹⁵⁵ Ibid.

two parties: On the night of 22 October, his efforts helped Arafat and Netanyahu reach an agreement the following day, 23 October.¹⁵⁶ In the Wye River Memorandum, “Palestinians committed themselves to further steps on security and revocation of parts of the National Charter; Israel undertook to make a series of gradual withdrawals as Palestinians carried out their side of the bargain. Israel also promised to release a number of prisoners.”¹⁵⁷

The goal after Wye River was to create a final-status solution to the Israeli-Palestinian conflict, but a few developments occurred in the interim between Wye River and the next substantial attempt at Camp David II. The talks were not followed-up by actions and the agreement was soon stalled. With the Lewinsky scandal and impeachment process unfolding in United States, Clinton was not the only one facing turbulent political times. Netanyahu was losing political support in Israel and in the May 1999 elections he was succeeded by Ehud Barak. The new Israeli Prime Minister quickly sought to build up his relations with Clinton and supported American sponsorship of the peace process. On the U.S. side, Clinton’s presidency was soon coming to an end; if the peace process was to move forward, it had to be accelerated.¹⁵⁸

Clinton was eager to make progress in the peace process. As Quandt notes, “over the years, Clinton had reportedly gained self-confidence in his ability to deal with international issues, and he had become particularly intent on trying to achieve a breakthrough in the Arab-Israeli arena.”¹⁵⁹ Some efforts were still carried out in the Israeli-Syrian negotiations, but the attention would once again shift to the Palestinian front, especially after Arafat and Barak set 13 September 2000 as the deadline to craft a final solution to their conflict.¹⁶⁰ After a failed Swedish channel of negotiations in June 2000, Barak proposed to Clinton the idea of a new American-sponsored summit; shortly

¹⁵⁶ Quandt, *Peace Process*, 354–5.

¹⁵⁷ Ibid., 355.

¹⁵⁸ Ibid., 355–61.

¹⁵⁹ Ibid., 361.

¹⁶⁰ Ibid., 362.

thereafter, Clinton met with Arafat to discuss the idea and convinced the Palestinian leader to participate.

Being aware of the positive image that the conflicting parties had of him, Clinton used the last months in his presidency to facilitate a final agreement for the Israeli-Palestinian peace process. The most notorious attempt was made at Camp David, where Arafat and Barak convened on 11 July 2000. At Camp David II, as it was called, Arafat and Barak discussed territorial divisions, further Israeli withdrawals, the status of East Jerusalem, the establishment of the Palestinian state, and sovereignty over certain neighborhoods and the holy site at Temple Mount/Haram-al-Sharif, among other issues. Both Arafat and Barak accused each other of failing to make concessions, and Clinton found himself meeting with each party, transmitting the other's position and trying to find common ground. A sovereignty disagreement over certain neighborhoods in Jerusalem and the holy site marked the end of the summit, without an agreement.¹⁶¹

While Camp David II failed to reach an agreement, Clinton still tried to facilitate an agreement in the remaining months of his presidency. Not only did the parties fail to compromise, but now the region was facing violence as a new intifada unfolded in September-October 2000. Clinton urged the parties to end the violence and on 16 October he managed to bring the parties together again at a summit in Sharm al-Shaykh, Egypt. The next day, Clinton announced that the parties were willing to end the violence and investigate its causes. Clinton's last peace effort took place at the White House in December 2000, where he proposed to the Israelis and Palestinians an American solution to the conflict which dealt with the issues that had caused controversy at Camp David II. While Barak's support was more forthcoming for the American proposal, Arafat placed several objections to the plan and Clinton's last peace attempt failed.¹⁶²

In sum, Clinton adopted a prominent personal approach during his mediation in the Israeli-Palestinian peace process. By hosting the signing ceremony of the Oslo Accord in the White House, Clinton made it clear that he aspired to mediate between

¹⁶¹ Quandt, *Peace Process*, 365–9.

¹⁶² Ibid., 369–77.

Israel and the PLO. His approach consisted in breaking deadlocks and generating momentum to reach a final peace agreement between the parties. First, he persuaded Arafat and Netanyahu to meet at Wye River; during this summit, he succeeded in breaking a deadlock and helped them reach the Wye River Memorandum. When Barak succeeded Netanyahu, the new Israeli Prime Minister asked Clinton to mediate in the peace process. Clinton was not only eager to achieve peace in the region, but was also reputable among both conflicting parties. Consequently, he recognized the urgency of the historic opportunity and gathered both leaders at Camp David II; although he was an active mediator, this meeting did not end with an agreement. In the remaining months of his presidency, the U.S. president was still committed to make progress in the peace process; however, he soon ran out of time to convince Arafat to soften his position on key issues.

C. CONCLUSION

Erik Solheim's mediation case contributes to the construction of the personalistic style of mediation in various ways. His designation as a mediator was probably founded on his knowledge of Sri Lanka and his political negotiation experience. Solheim remained the key Norwegian facilitator throughout the process. Initially, he was the sole mediator. Afterward, when Vidar Helgesen was officially in charge of the mediation, Solheim still was the person in charge of the daily running of the mediation. Even when he was appointed as Minister of International Development and Jon Hanssen-Bauer took his place as Special Envoy, Solheim still remained in charge of the process and made frequent visits to Sri Lanka.

President Ronald Reagan's Secretary of State, George Shultz, was perhaps the most influential of the foreign ministers analyzed in this chapter. U.S. mediation in the Arab-Israeli conflict was largely Shultz's personal effort. He was the mastermind of the U.S. mediation plan for the Middle East, sought and received Reagan's support, and personally dealt with the region's leaders. He envisioned a peace conference, but soon realized that some of the region's leaders were not ready for such commitment.

Nevertheless, Shultz's leverage succeeded in making the PLO renounce terrorism. In addition, he can also be credited for having opened the U.S.-PLO channel.

After the Gulf War ended, James Baker set himself to organize the long-awaited Arab-Israeli peace conference. Baker made Shultz's idea his own, and engaged in shuttle diplomacy throughout the region seeking support. Like Shultz, Baker also exercised strong leverage with the parties. After tackling obstacles and granting concessions, he gathered the support needed to organize the conference and contributed in setting the landmark precedent of Palestinian representation in the peace process.

Johan Jørgen Holst's efforts were crucial in reaching the Oslo Accord during the Israeli-Palestinian peace talks facilitated by Norway. The conflicting parties' leaders relied on Holst to break a deadlock and sort out the final arrangements of the negotiation. Holst stood up to the demanding circumstances: He was a reputable high-ranking politician and had great communication skills.

President Clinton was deeply involved with the Israeli-Palestinian peace cause. He personally reached to the Israeli and PLO leaders seeking to make progress in the process. With his reputation and leverage, Clinton managed to break deadlocks and achieve some agreements between the parties; he even proposed a peace plan of his own. Neither the failure to reach an agreement at Camp David II nor the limited amount of time that he had left in office prevented Clinton from using every opportunity to persuade the parties to make concessions and reach a final peace agreement.

In three of the cases analyzed (Shultz, Baker, and Holst), the mediation was conducted by foreign ministers. Two of them (Shultz and Baker) relied heavily on shuttle diplomacy. Another case (Solheim) involved a high-ranking politician. The mediation in the remaining case (Clinton) was conducted by a president. All of these cases help construct the concept of the personalistic style of mediation. The analysis shows that personalistic mediation derives from various characteristics, and that it is unlikely for all these characteristics to be present at the same time in a given mediation case.

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III. INSTITUTIONALIZED MEDIATION

While categorization that recognizes states, organizations, and individuals as the three providers of mediation is generally useful because it differentiates among actors, styles of mediation do not always match the specific characteristics of the providers. Unlike personalistic mediation, which is usually associated with individual actors, institutionalized mediation is not limited to the presence of a specific provider. Institutionalized mediation does not refer to the mediation exercised by preexisting institutions or organizations, but rather to the style of mediation that emerges from the creation of ad hoc institutions in peace processes. These institutions can theoretically be linked to any of the three providers of mediation. While states, organizations, and individuals may take part of the institution created to mediate, the mediation in the peace process will be exercised under an institutional umbrella and on behalf of the institution itself, and not by the individual parties that are integrated into it.

This chapter analyzes the mediating institutions created in the Sri Lankan and Northern Ireland conflicts. First, the mediation role of the Sri Lanka Donor Co-Chairs is analyzed. Subsequently, mediation in Northern Ireland is studied by analyzing the International Body and the Office of the Independent Chairmen.

In sum, this chapter will study the institutionalized style of mediation, which may be found whenever the mandate of an institution created during a peace process leaves room for a mediation strategy. The Sri Lankan and Northern Ireland conflicts will be used to analyze this style of mediation.

A. MEDIATION IN THE SRI LANKAN CONFLICT

While Norwegian mediation—conducted most notably by Erik Solheim—was the most important form of conflict management in Sri Lanka, other third parties also exercised mediation, though to a lesser extent. This involvement came in the form of the Sri Lanka Donor Co-Chairs, an institution which emerged in the Tokyo Conference on

Reconstruction and Development of Sri Lanka in June 2003 and was composed of the United States, the European Union (EU), Japan, and Norway.¹⁶³

Some 51 countries and 22 international organizations convened at the Tokyo Conference and made a pledge of “foreign aid of approximately US\$4.5 billion over the four-year period 2003–06 and closely linked this to the progress of the peace talks.”¹⁶⁴ The Tokyo Conference aimed to “provide the international community with an opportunity to demonstrate its strong and unified commitment to the reconstruction and development of Sri Lanka and to encourage the parties to redouble their efforts to make further progress in the peace process.”¹⁶⁵ The Sri Lanka Donor Co-Chairs met “periodically to coordinate efforts to fulfill its responsibility under the Tokyo Declaration of 2003 to monitor reconstruction assistance to Sri Lanka and the peace process.”¹⁶⁶

The co-chairs institution was not meant to be an additional mediator in the process, but rather to manage the foreign aid pledged by the donors and support the peace process. Nevertheless, there is evidence that—from the beginning—Norway sought in the co-chairs additional international leverage in the conflict, and that the co-chairs began acting accordingly. A report commissioned by the Norwegian Agency for Development Cooperation’s Evaluation Department, referred to as the “Norad report,” notes that “particularly after the peace talks unraveled the Norwegians struggled to preserve a level of international attention.”¹⁶⁷ Norway’s strategy succeeded: The Donor Group and especially the Co-Chairs decreased Norway’s “exposure as a solitary mediator,” and at the same time provided Norway with additional leverage, given that Norway was also a co-chair.¹⁶⁸

¹⁶³ Groeneveld-Savisaar and Vuković, “Terror, Muscle, and Negotiation,” 126.

¹⁶⁴ Ibid.

¹⁶⁵ “Tokyo Declaration on Reconstruction and Development of Sri Lanka,” U.S. Department of State, 10 June 2003. <http://2001-2009.state.gov/p/sca/rls/pr/21609.htm>.

¹⁶⁶ U.S. Department of State. “Meeting of Sri Lanka Donor Co-chairs Group.” 14 June 2005. <http://2001-2009.state.gov/r/pa/prs/ps/2005/47891.htm>.

¹⁶⁷ Goodhand et al., “Pawns of Peace,” 74.

¹⁶⁸ Ibid.

Adam Burke and Anthea Mulakala note that the co-chairs “provided not only economic guarantees (the promise of a peace dividend), but also political ones. They underwrote the peace process, not just through their influence over aid, but also by lending their political weight to the process.”¹⁶⁹ Although Chanaka Talpahewa recognizes that the co-chairs were “not involved in the peace process directly,” he notes that they “performed a supervisory role.”¹⁷⁰

The co-chairs arrangement was, however, flawed from its start. While the government of Sri Lanka participated in the Tokyo Conference, the Liberation Tigers of Tamil Eelam chose not to participate in the Conference as a sign of opposition to various Sri Lankan government stances at that time.¹⁷¹ In addition, another institutional flaw was that some of the co-chairs had proscribed the LTTE: For example, the United States in 1997, the United Kingdom (member of the EU co-chair) in 2001, and later the EU as a whole in 2006.¹⁷² Moreover, according to Maria Groeneveld-Savisaar and Siniša Vuković, “positive incentives did not succeed in getting the parties back to the negotiating table. Neither Sri Lanka nor the LTTE was aid dependent.”¹⁷³ The co-chairs’ approach to the peace process took the form of a limited mediation role: The funds were regarded as the carrots, whereas the sticks were materialized in the condemning statements that they issued.¹⁷⁴

The co-chairs issued several statements from 2003 to 2009 directed to the government of Sri Lanka and the LTTE. Some of the statements were intended to draw the parties’ attention to the “civilian suffering and the need to resume a political track.”¹⁷⁵ The Norad report also notes that the co-chairs became increasingly hard on the

¹⁶⁹ Adam Burke and Anthea Mulakala, “An Insider’s View of Donor Support for the Sri Lankan Peace Process, 2000–2005,” in *Conflict and Peacebuilding in Sri Lanka: Caught in the Peace Trap?*, ed. Jonathan Goodhand, Jonathan Spencer, and Benedikt Korf (New York: Routledge, 2011), 157.

¹⁷⁰ Talpahewa, *Peaceful Intervention*, 8, note 29.

¹⁷¹ Goodhand et al., “Pawns of Peace,” 44–6.

¹⁷² Shenali Waduge, “Q&A with Facts about the LTTE,” Sri Lankan Ministry of Defense, last modified 14 March 2012, http://www.defence.lk/new.asp?fname=Facts_about_the_LTTE_20120221_02.

¹⁷³ Groeneveld-Savisaar and Vuković, “Terror, Muscle, and Negotiation,” 126.

¹⁷⁴ Ibid., 126–7.

¹⁷⁵ Goodhand et al., “Pawns of Peace,” 64.

LTTE with time; following the European Union's proscription of the LTTE in May 2006, Norway was "the only of the four co-chairs (Norway, EU, U.S., and Japan) still willing to meet with the LTTE. Though the co-chairs continue to release critical statements toward both parties condemning the violence and urging them to resume negotiations," some of the co-chairs were particularly reluctant to criticize the government.¹⁷⁶

Although the mediation literature shows that mediator's neutrality is not an excluding factor for conducting mediation, the LTTE proscription by some of the co-chairs certainly does not match up to the mediation theory; in addition, further theoretical conflict may be found in the LTTE decision to exclude itself from the Tokyo Conference in 2003. Nevertheless, the close linkage between the peace process (which the LTTE officially recognized) and the foreign aid support network (which included the work of the co-chairs) may suggest an implicit LTTE recognition of the role of co-chairs in the peace process. Such recognition did not mean, however, that the LTTE adjusted its activities to the demands of the co-chairs. For instance, when seeking a limited cease-fire in February 2009, the co-chairs urged the LTTE to "lay down [their] arms" and suggested that both parties "declare a temporary cease-fire and resume dialogue;" however, the LTTE ignored their request.¹⁷⁷ Scholars note that "as the parties to the conflict became aware of the mediators' limited interests and restrained use of sticks, the mediating parties' leverage was also limited."¹⁷⁸

However limited the co-chairs' leverage may have been, institutional unity usually prevailed over the single members' interests. With regard to institutional cohesion, "relations between co-chairs were considered good: They were mainly speaking with one voice by issuing common statements, with no significant spoilers among them. The co-chair mechanism provided a broad base as well as a division of labor."¹⁷⁹

¹⁷⁶ Goodhand et al., "Pawns of Peace," 58.

¹⁷⁷ Ibid., 66.

¹⁷⁸ Groeneveld-Savisaar and Vuković, "Terror, Muscle, and Negotiation," 127.

¹⁷⁹ Ibid.

In sum, the United States, the EU, Japan, and Norway exercised limited mediation in the Sri Lankan peace process under the institutional umbrella of the co-chairs arrangement. The co-chairs arrangement was not primarily designed as a complement to Norway's official mediation, but rather as a managerial institution of the donor group; nevertheless, its mandate did seem to pave the way for some kind of limited mediation. Indeed, the Tokyo Declaration mandated the co-chairs to "encourage the parties to redouble their efforts to make further progress in the peace process."¹⁸⁰ Such involvement can be understood in the form of the sticks and carrots that the co-chairs had at their disposal. Since the sticks (statements) usually lacked strength, the carrots (foreign aid) seem to have had a bigger impact on the process. As the mediation literature suggests, the co-chairs can be said to have used a compensation strategy to enhance the "attractiveness of some alternatives" (in this case, peace talks over war), in a non-directive way intended to produce "a favorable climate for mediation."¹⁸¹

B. MEDIATION IN THE NORTHERN IRELAND CONFLICT

The mediation in the Northern Ireland peace process that culminated in the Belfast Agreement (also known as the Good Friday Agreement) was twofold. First, an International Body was in charge of testing the waters for negotiations and setting the table for the talks. Secondly, once the parties had agreed on the format of the talks, the Office of the Independent Chairmen continued with the mediation until the Good Friday Agreement (GFA) was reached. Both mediation cases are analyzed in the two following sections.

1. The International Body

The British and Irish heads of government, Prime Minister John Major and the Taoiseach, John Bruton, decided to establish an International Body (IB) in November 1995 to pave the way for a peace process in Northern Ireland. Its mandate was to "report on the willingness of the parties to engage in decommissioning, and to suggest how that

¹⁸⁰ "Tokyo Declaration."

¹⁸¹ Jacob Bercovitch, "Introduction: Putting Mediation in Context," in *Studies in International Mediation*, ed. Jacob Bercovitch (New York: Palgrave Macmillan, 2002), 15–6.

could be accomplished.”¹⁸² The IB was composed of three men who had until recently been working in high-ranking posts: former U.S. Senator George Mitchell, former Finnish Prime Minister Harri Holkeri, and former Canadian Chief of Defense Staff John de Chastelain.¹⁸³

Arms decommissioning was central to the peace process; some parties to the conflict wanted prior decommissioning, while others wanted to first hold the talks and then proceed to decommission the weapons of the paramilitary groups. The IB’s mandate to mediate was thus implicit: Created to test the waters for decommissioning and also to advise on how to proceed on those grounds, the IB would jump-start the peace process by facilitating and formulating plans among the parties.

The IB began functioning in December 1995, when Mitchell—who became its chief of staff—convened with the rest of the team to envision the institution’s approach. Since Mitchell had previously worked with President Bill Clinton on the economic development of Northern Ireland, he was the IB’s member with the most experience in the region.¹⁸⁴ Consequently, Mitchell was aware that lack of trust was a problematic issue between the parties. The institution thus set itself to build trust in the process and to “get the views of as many as possible in Northern Ireland, London, and Dublin.”¹⁸⁵ Therefore, the IB held meetings throughout December 1995 and January 1996 with Major, Bruton, British Secretary of State Sir Patrick Mayhew, Irish Foreign Minister Dick Spring, several political parties in Northern Ireland, representatives from the security forces, non-governmental organizations, and religious leaders.¹⁸⁶

The IB released its report on arms decommissioning on 22 January 1996. Following its mandate, the institution assessed the issue of decommissioning and concluded that there was a “commitment on the part of those in possession of such arms

¹⁸² John de Chastelain, “The Good Friday Agreement in Northern Ireland,” in *Herding Cats: Multiparty Mediation in a Complex World*, ed. Chester A. Crocker, Fen Osler Hampson, and Pamela Aall (Washington, DC: United States Institute of Peace Press, 1999), 439–40.

¹⁸³ Ibid., 438–9.

¹⁸⁴ Mitchell, *Making Peace*, 10.

¹⁸⁵ De Chastelain, “Good Friday Agreement,” 440.

¹⁸⁶ Ibid., 440–1.

to work constructively to achieve full and verifiable decommissioning as part of the process of all-party negotiations; but that commitment does not include decommissioning prior to such negotiations.”¹⁸⁷ The British wanted prior decommissioning, but the Irish government feared that decommissioning as a precondition would trump the peace process.¹⁸⁸ As Mitchell recalls, “the unionist nightmare was that they would be forced to enter talks with Sinn Féin while a heavily armed IRA waited outside the door; at the first sign that Sinn Féin wasn’t getting what it wanted in the talks the campaign of violence would resume.”¹⁸⁹

Since the time at which the decommissioning would take place was a crucial aspect of the process, the IB had to make a compromise between the parties. Consequently, the need to “help the democratic process move forward . . . [and] create the climate in which decommissioning could occur” prompted the institution to suggest in its report six principles of democracy and nonviolence (sometimes referred to as “The Mitchell Principles”) “to which any party wanting to enter negotiations would have to commit itself.”¹⁹⁰

Moreover, the IB also followed its mandate of identifying and advising “on a suitable and acceptable method for full and verifiable decommissioning.”¹⁹¹ Accordingly, the members proposed four methods: “The transfer of armaments; the provision of information leading to their discovery; the depositing of armaments for collection; or their destruction by the paramilitary groups themselves.”¹⁹² In addition, they also suggested a set of guarantees for the process which, among other things, included the work of an independent commission.¹⁹³

¹⁸⁷ International Body on Arms Decommissioning, “Report of the International Body on Arms Decommissioning,” Conflict Archive on the Internet, University of Ulster, 22 January 1996, <http://cain.ulst.ac.uk/events/peace/docs/gm24196.htm>.

¹⁸⁸ Mitchell, *Making Peace*, 32.

¹⁸⁹ Ibid.

¹⁹⁰ De Chastelain, “Good Friday Agreement,” 442; Mitchell, *Making Peace*, 33.

¹⁹¹ International Body, “Report.”

¹⁹² De Chastelain, “Good Friday Agreement,” 442.

¹⁹³ Ibid.

Although the IB was only mandated to make recommendations on decommissioning, its members were still regarded as important for delivering other recommendations on “the general need for confidence-building measures.”¹⁹⁴ As summarized by de Chastelain:

Items in this section included the need to review paramilitary activities such as surveillance and targeting; the provision of information on the missing and the exiled; action on prisoners and on emergency legislation; the need to review the holding of legally held arms ‘as the threat reduces’; more balanced representation in the police force; the need for increased emphasis on economic and social development; and the utility of an elected body to enhance the process of building confidence.¹⁹⁵

Not only did Mitchell, Holkeri, and de Chastelain successfully put together a report that addressed the IB’s mandate, but they also included recommendations—such as the Mitchell Principles—that would provide an essential framework for the peace process that was soon going to unravel. Even though each one of the members had an assistant from the foreign ministries of their respective countries, the IB’s work was characterized by its neutrality in the process and institutional unity.¹⁹⁶ In effect, one of the paragraphs of the IB’s report reflects on the role that the joint communiqué gave to it in the process:

We are that Body. This is our report. We have no stake in Northern Ireland other than an interest in seeing an end to the conflict and in the ability of its people to live in peace. Our role is to bring an independent perspective to the issue. We are motivated solely by our wish to help. This assessment represents our best and our independent judgment. We are unanimous in our views. There are no differences of opinion among us.¹⁹⁷

Such emphasis on the institution’s neutrality and unanimity serves to visualize the importance of institutionalized mediation in the Northern Ireland peace process. Even though the press and some academics assign Mitchell with most of the credit for the success in the peace process, the other two members were also as important. Perhaps recognition of Mitchell’s contributions is heightened by his soon-to-follow role as the

¹⁹⁴ Mitchell, *Making Peace*, 29–37.

¹⁹⁵ De Chastelain, “Good Friday Agreement,” 443.

¹⁹⁶ Ibid., 439.

¹⁹⁷ International Body, “Report.”

head of the Office of the Independent Chairmen during the actual negotiations, but Mitchell himself is always keen to recognize the IB's work as a team effort: "We never had a serious disagreement, substantive or personal. My two colleagues and their staffs were a pleasure to work with: Fair, open-minded, willing to work hard. De Chastelain and Holkeri deserve a lot more credit than they have received for their efforts."¹⁹⁸ Similarly, de Chastelain recognizes that a "cooperative spirit" characterized the IB's work.¹⁹⁹

With the release of its report, the IB culminated its mandate and the institution was disbanded.²⁰⁰ Although the IB was not specifically designed to mediate in the peace process, its mandate implied adopting a strategy of searching for common ground on some key aspects such as decommissioning, and also producing a favorable climate for future negotiations with the suggested principles of democracy and nonviolence.²⁰¹ Such mediation strategies paved the way for the all-party negotiations.

2. The Office of the Independent Chairmen

The ideas that the International Body put forward in its report were helping the process move forward. Representation in the all-party peace talks would be drawn from an elected ad hoc forum: Elections to the forum were held on 30 May under a system which guaranteed vast representation of both communities in Northern Ireland. Not only would the main parties be represented, but also those that had links to the paramilitary organizations of both sides. In total, ten parties were granted delegates. On the Unionist side, the Ulster Unionist Party and Democratic Unionist Party were the largest parties, but were joined by smaller ones like the United Kingdom Unionist Party, the Progressive Unionist Party, and the Ulster Democratic Party. On the republican side, the largest party was the Social Democratic and Labour Party, followed by Sinn Féin. Other non-sectarian parties included the Alliance, the Northern Ireland Women's Coalition, and the Labour

¹⁹⁸ Mitchell, *Making Peace*, 27.

¹⁹⁹ De Chastelain, "Good Friday Agreement," 439.

²⁰⁰ Ibid., 444.

²⁰¹ Bercovitch, "Introduction," 15–16. Searching for common ground and producing a favorable climate for mediation are some of the mediating strategies that academics have identified.

Party. While the elections were meant to form a Forum which would then appoint the delegates to the talks, Sinn Féin never attended the meetings and the Social Democratic and Labour Party withdrew in July—the Forum soon lost its spotlight to the actual plenary sessions of the talks.²⁰²

The Ground Rules for Substantive All-Party Negotiations, which was one of the first documents of the peace process, arranged the negotiations in three strands: The first one dealt with political arrangements within Northern Ireland; the second dealt with north-south relations; and the third one dealt with the relations between Britain and Ireland.²⁰³ The document, which was elaborated by the British and Irish governments—in consultation with the parties—also incorporated the notion of a chairmanship of the process, thus setting the stage for further international mediation in the peace process.²⁰⁴

Additional documents, such as the Scenario for the Opening Session, Procedural Guidelines for the Conduct of Substantive All-Party Negotiations, and Draft Agenda for Substantive All-Party Negotiations were written to provide the basis of the peace process.²⁰⁵ In addition to the Plenary Committee, the peace process also envisioned a Business Committee (in charge of procedural issues) and a subcommittee on decommissioning.²⁰⁶ As John de Chastelain recalls, “the Scenario document invited the three members of the International Body, George Mitchell, Harri Holkeri, and me, to chair those aspects of the negotiations that required independent chairmen (the Plenary Committee, Strand Two, the Business Committee, and the decommissioning subcommittee). Senator Mitchell would chair the Plenary Committee and the other positions would be approved as the negotiations proceeded.”²⁰⁷

The Office of the Independent Chairmen began functioning on 8 June 1996 and the talks were set to start on 10 June. The participants of the talks (which were drawn in

²⁰² Mitchell, *Making Peace*, 42–45.

²⁰³ Ibid., 120.

²⁰⁴ De Chastelain, “Good Friday Agreement,” 445.

²⁰⁵ Ibid., 446.

²⁰⁶ Ibid.

²⁰⁷ Ibid.

following the results of the Forum election) were reluctant to accept the peace process documents agreed upon by the governments—especially the unionist factions.²⁰⁸ Instead of holding a Plenary Committee session in accordance to those documents, the participants decided to hold “an informal session [that] would convene under the interim chairmanship of Mitchell and his colleagues, and would continue in that format until Rules of Procedure, the final decision on the chairmanship, and an agenda for the remainder of the Opening Plenary had been agreed upon by the participants.”²⁰⁹ Again, the work of the former International Body proved essential: During the informal session, “Mitchell took the chair and accepted, individually, the formal adoption of the six principles by the two governments and the seven remaining parties.”²¹⁰ Sinn Féin, widely regarded as the political wing of the paramilitary group, the Irish Republican Army, had been excluded of the talks due to IRA violence.²¹¹

Informal sessions thus began on 10 June 1996 and paved the way toward the formal Plenary Committee sessions. During the informal sessions, the parties approved an elaborate rule of sufficient consensus for decision-making, the chairmanship, and the Business Committee. The formal Plenary Committee sessions commenced in September, when the Rules of Procedure were adopted; the agenda for the opening plenary was agreed upon by mid-October. Although the talks began on 10 June 1996, the first fifteen months were spent debating proceedings—substantive negotiations started in October 1997.²¹² Despite the fact that the loyalist ceasefire had been maintained, the IRA conducted several attacks during the peace process.²¹³ Sinn Féin was not allowed to participate in the talks until the IRA declared a new ceasefire on 20 July 1997, after encouragement from the British and Irish governments.²¹⁴

²⁰⁸ De Chastelain, “Good Friday Agreement,” 447–8.

²⁰⁹ Ibid., 448.

²¹⁰ Ibid.

²¹¹ The IRA broke on 9 February 1996 the ceasefire that they had declared in August 1994.

²¹² Mitchell, *Making Peace*, 119–20.

²¹³ Ibid., 55, 80, 97, 99.

²¹⁴ Ibid., 104, 107.

Decommissioning was a central issue during the talks. By December 1996, the parties “agreed that during the [holiday] break the participants would review their proposals on decommissioning . . . to see if they could identify areas of potential compromise. The chairmen would likewise review the parties’ papers to see if they could find areas of convergence.”²¹⁵ The talks resumed in mid-January and the debate was at times framed under bilateral or plenary sessions. By mid-February 1997, the chairmen adopted a more active mediating role, seeking common ground on decommissioning.²¹⁶

Although the International Body had a fixed time mandate of two months, there was no deadline for the peace process itself. Moving the stalled process forward would become a priority for the new British and Irish heads of government that emerged in the 1997 elections: Tony Blair succeeded John Major in London, and Bertie Ahern succeeded John Bruton in Dublin.²¹⁷ The Plenary Committee reconvened in June:

In August, the two governments completed an agreement establishing an Independent International Commission on Decommissioning, which would come into operation when the talks move into the substantive negotiations phase. The governments also announced that this body would maintain the representation from Canada, Finland, and the United States.²¹⁸

Sinn Féin was allowed into the talks by September, following the IRA ceasefire declaration in July.²¹⁹ In addition, “a Liaison Subcommittee on Decommissioning made up of the participants would be established, to which the commission would report.”²²⁰

The role of international mediation became clearer in September, when the Plenary Committee adopted the Procedural Motion. As de Chastelain recalls:

The Procedural Motion established George Mitchell, Harri Holkeri, and me as cochairmen of the Strand Two negotiations, and me as chairman of the decommissioning body. Mitchell would continue to chair the Plenary

²¹⁵ De Chastelain, “Good Friday Agreement,” 454.

²¹⁶ Ibid., 455.

²¹⁷ Ibid., 455–6.

²¹⁸ Ibid., 457.

²¹⁹ Ibid., 457–8.

²²⁰ Ibid., 458.

Committee and the Strand Two negotiations. Harri Holkeri would continue to be the alternate chair for both, and would chair the liaison subcommittees. I would continue as chairman of the Business Committee and assist Holkeri with Strand Two meetings when Mitchell was unavailable.²²¹

The Independent International Commission on Decommissioning (hereinafter abbreviated as “the commission”) was mandated to consult widely and recommend on methods for decommissioning, to facilitate the actual decommissioning, and to report to both governments. The commission was formed by de Chastelain, Finnish retired Brigadier Tauno Nieminen, and U.S. Ambassador Donald Johnson—all three supported by an assistant from their respective countries.²²²

Substantive negotiations on Strand One and Strand Two started in late September 1997, but most common ground was found in March 1998 in the weeks before the Easter deadline that had been set for the process. Strand Three was negotiated through bilateral governmental talks between Ireland and Britain. Meanwhile, the work of the commission was also fruitful because the Liaison Sub-Committee on Decommissioning approved the two decommissioning methods that the commission had suggested.²²³ Crucial mediation was exercised by the chairmen in the two weeks left before the deadline: “The chairmen would draw together the parties’ proposals on Strand One and Strand Two, and, together with the governments’ paper on Strand Three and a paper on confidence-building measures, produce an outline draft Agreement for circulation and debate.”²²⁴ The chairmen’s role was essential in ironing out the parties’ differences, producing and circulating drafts for debate, and convincing reluctant party leaders to embrace the agreements. On 10 April 1998, the Plenary Committee approved the final agreement that would be referred to as the Belfast Agreement or Good Friday Agreement. As summarized by Jonathan Tonge, the GFA “created devolved government in Northern Ireland, on the basis of power sharing between representatives of the unionist and

²²¹ De Chastelain, “Good Friday Agreement,” 458.

²²² Ibid.

²²³ Ibid., 459–62.

²²⁴ Ibid., 462.

nationalist communities. The agreement established a cross-community ruling executive, a 108-member Northern Ireland Assembly, cross-border bodies, and a British-Irish council.”²²⁵

After the negotiating parties reached the GFA, the agreement was “overwhelmingly endorsed 12 days later by popular referenda in both Northern Ireland (71 percent support) and the Republic of Ireland (94 percent).”²²⁶ Consequently, the Office of the Independent Chairmen had completed its work and it disbanded.²²⁷ Although the GFA did not come with an immediate end of sectarian violence, “the change was . . . more a matter of type and degree, with a diffusion of violence accompanied by clear evidence of popular support for the cease-fire through elections to the Northern Ireland Assembly.”²²⁸ As Audrey K. Cronin argued as of 2009, “while it could not be said that peace had come fully to Northern Ireland—and weapons decommissioning, policing, and prisoner releases remained sources of tension—there was a sense that the political process had replaced terrorist attacks as the focal point of popular attention and as the primary vehicle of change.”²²⁹ The IRA announced the end of its armed campaign in 2005; in 2011, the decommissioning commission finalized its work with a final report noting that most of the armed groups in Northern Ireland had decommissioned their arms.²³⁰

While the intractable and deeply-rooted political conflict in Northern Ireland still faces challenges, the peace process—as Cronin notes—succeeded in bringing an end to the violence in the region. International involvement was present in all stages of the process: at the beginning, with the mediation and technical assistance of the International Body; during the talks, with the work of the independent chairmen; and after the GFA

²²⁵ Jonathan Tonge, *Northern Ireland* (Malden, MA: Polity, 2006), 220.

²²⁶ Cronin, *How Terrorism Ends*, 46.

²²⁷ De Chastelain, “Good Friday Agreement,” 462–3.

²²⁸ Cronin, *How Terrorism Ends*, 47.

²²⁹ Ibid.

²³⁰ Independent International Commission on Decommissioning, “Final Report of the Independent International Commission on Decommissioning,” Conflict Archive on the Internet, University of Ulster, 28 March 2011. <http://cain.ulst.ac.uk/events/peace/decommission/iicd040711.pdf>.

was reached, with the work of the commission dealing with the complex issue of arms decommissioning. Much of the success of the peace process was reached thanks to the work of institutionalized mediation carried out by the International Body and the Office of the Independent Chairmen.

C. CONCLUSION

Although the institution known as the Sri Lanka Donor Co-Chairs—composed of the United States, the European Union, Japan, and Norway—was not primarily designed to mediate in the conflict, it still exercised limited mediation between the government of Sri Lanka and the LTTE, which took the form of carrots (foreign aid) and sticks (condemning statements). The mediation exercised by the co-chairs was characterized by the institutional unity of its members, who often spoke with one voice and also divided the work among them. The co-chairs’ mediation approach took the form of a compensation strategy, by enhancing the attractiveness of talks over war and also by producing a favorable climate for the mediation.

The International Body in Northern Ireland, composed of George Mitchell, Harry Holkeri, and John de Chastelain, had a clear mandate to test the waters for arms decommissioning and to advise on how to work to that effect. Such mandate constituted itself in an implicit mediation role characterized by facilitation and formulation among the parties to the conflict. Moreover, the International Body’s report was also crucial in producing a favorable climate for future mediation—a classic mediation strategy—as evidenced by the six suggested principles of nonviolence and democracy that were later adopted by the negotiating parties. The work of the International Body was characterized by the institution’s neutrality in the process, unanimity in its opinion, and cooperative spirit among its members. As the academic Paul Arthur notes, Mitchell, Holkeri, and de Chastelain comprised “what might be considered a semi-autonomous Eminent Person’s Group.”²³¹

²³¹ Paul Arthur, “Multiparty Mediation in Northern Ireland,” in *Herding Cats: Multiparty Mediation in a Complex World*, eds. Chester A. Crocker, Fen Osler Hampson, and Pamela Aall (Washington, DC: United States Institute of Peace Press, 1999), 474.

The Office of the Independent Chairmen, which was integrated by the same three members of the previous International Body, exercised crucial mediation throughout the all-party negotiations in Northern Ireland. The chairmen helped reach agreements regarding the format of the talks; once their role was legitimated by the parties, the three members were assigned to various mediating positions throughout the peace process, including the chairmanship of the Plenary Committee and the sub-committees. When the talks moved to substantive topics, the chairmen found common ground among the parties' proposals on the negotiated Strands, produced drafts for debate, and convinced some reluctant leaders to embrace the agreements.

In conclusion, institutionalized mediation—as a mediation style—can be observed whenever the mandate of an institution created during a peace process leaves room for a mediation strategy, and such mediation approach is accepted—implicitly or explicitly—by the conflicting parties. As observed, the institution does not necessarily need to have the explicit mandate to mediate among the parties, or be integrated by a single type of provider of mediation as categorized by the literature. Moreover, the presence of other providers of mediation in a peace process does not exclude the possibility for further mediation in the institutionalized form.

IV. CONCLUSION

Academics usually analyze mediation by studying the mediators' roles and behavior, and for that they use sets of categories or typologies. As Jacob Bercovitch points out, there are several typologies for mediators' roles and behavior.²³² The author comments that "to make sense of the many forms of behavior mediators may undertake, we [in academia] usually suggest a number of role categories that encompass related forms of behavior."²³³ In addition, another "conception for focusing on and categorizing what mediators actually do is that of a mediation strategy."²³⁴ The most useful typology, according to Bercovitch, is the one proposed by Touval and Zartman, which comprises an "ascending level of involvement that can describe the full range of mediation techniques."²³⁵

Notwithstanding the typologies already used by scholars who study mediation, evidence suggests that there may be another approach to study and evaluate mediation. The concept of what this thesis identifies as styles of mediation derives from the study of several mediation cases and is strongly linked to the frameworks under which the mediation is exercised. As this work noted, the characteristics of personalistic and institutionalized mediation may help analysts to compare mediation, and in some cases even predict—to an extent—patterns and results of mediation, based on the outcomes of previous cases of personalistic and institutionalized mediation.

A. STYLES IN COMPARATIVE ANALYSIS

Personalistic mediation can be observed in the following characteristics:

- A. A high-ranking person's motivation leads his or her country to mediate in a given conflict, and the mediation is largely planned and executed by this person.

²³² Bercovitch, "Introduction," 15.

²³³ Ibid.

²³⁴ Ibid.

²³⁵ Ibid., 16.

B. The mediation is personally conducted by a president, special envoy, or through shuttle diplomacy.

C. The mediation is largely conducted by a central and relatively permanent mediator throughout the process, regardless of political shifts in the mediator's home country or in the conflicting parties.

As a style of mediation, the study of personalistic mediation offers a new approach for describing and evaluating mediation. Considering that the "A" and "B" characteristics of personalistic mediation can be identified at an early stage of the mediation, analysts who observe their presence in a forthcoming mediation may be able to predict—to an extent—patterns and results of the mediation, based on the outcomes of previous cases of personalistic mediation. Given that the characteristic "C" may be more readily observable *ex post facto*, analysts may return to this aspect of personalistic mediation for comparative purposes, though not so much for prediction. All three characteristics can contribute, on an individual or joint basis, to the creation of the style of personalistic mediation, which may be ultimately regarded as a framework of mediation that develops and establishes itself as the mediation unfolds, largely due to the mediators' own work and determination.

The institutions analyzed in Chapter III are examples of mediation because their mandates allowed them to adopt mediation strategies such as enhancing attractiveness of some alternatives (such as talks over war), also known as the compensation strategy; producing a favorable climate for mediation; searching for common ground among the negotiating parties; and facilitating and formulating agreements (such as producing drafts).

In sum, institutionalized mediation may be identified by these factors:

A. When the mandate of an institution created in a peace process explicitly empowers the institution to mediate in the conflict.

B. When the mandate of an institution created in a peace process does not explicitly empower the institution to mediate in the conflict but the institution nevertheless exercises mediation between the conflicting parties—however limited it may be—by adopting one or more mediation strategies in its work, and such mediation is accepted by the parties.

Whichever strategy may be adopted, mediation by an institution will be also characterized by the importance of the institutional umbrella under which the mediation is exercised, as well as for the institutional unity of its actions. In addition, it may also present some of the characteristics of the institutions analyzed in Chapter III, such as neutrality and independence in the process, and division of labor and unanimity of opinion among its members.

As with personalistic mediation, the study of institutionalized mediation also offers a new approach for describing and evaluating mediation. Given the explicit nature of characteristic “A,” analysts may be able to predict at an early stage, and to an extent, patterns and results of the mediation that is about to unfold, based on the outcomes of previous cases of institutionalized mediation. Since characteristic “B” may be more readily observable *ex post facto*, analysts may revisit this aspect of institutionalized mediation for comparative purposes, though not so much for prediction. Characteristics “A” and “B,” as well as the existence of the institutional umbrella and unity, contribute to the creation of the style of institutionalized mediation, which may be ultimately regarded as a framework of mediation. On the one hand, an explicit mandate allows institutionalized mediation to unfold from the start, as long as the institutional umbrella is guaranteed. On the other hand, when the mandate does not empower the institution to mediate but the institution still adopts a mediation strategy, institutionalized mediation may be said to have unfolded throughout the work of the institution, and not right from the start.

From a joint perspective, both styles of mediation may be present in a peace process, as evidenced by the Sri Lankan case. The presence of both styles of mediation reflects that long peace processes may tend to experience changes in mediation approaches, in the same manner as when mediators change their mediation strategies.

B. STYLE AND PRACTICE

In addition to mediation scholars, jurists can also benefit from the study of these styles of mediation, in particular, of the institutionalized type. Since institutionalized mediation is strongly linked—in most cases—to the framework under which it emerges,

it is possible to study the legal characteristics of the institutions created to mediate in conflicts. For example, the International Body in Northern Ireland was created by the British and Irish governments following their Joint Communiqué on 28 November 1995. Given that this was an organization created by two sovereign governments, several questions may arise, such as: What was the International Body under international law? Did its members have diplomatic privileges and immunities? In addition, the framework of the Sri Lanka Donor Co-Chair may also be studied by jurists for its link to international law. Policymakers, from counterterrorism analysts to diplomats, who welcome mediation for managing conflict may also benefit from the study of the styles of mediation. Because this study suggests that the styles of mediation may be linked to previously observed patterns and results of mediation, policymakers may find it useful to consider those aspects to anticipate any possible result of the mediation in question. For instance, policymakers may use the styles of mediation to find the most suitable mediator for future conflicts.

In the case of personalistic mediation, policymakers may look for a potential mediator who resembles former personalistic mediators, and expect to achieve similar results, foresee errors, or improve specific roles and behaviors of the style. In particular, policymakers may seek a deeply motivated individual who is not only willing to plan and execute the mediation, but also be up to the demanding and high-level circumstances of a talks to curtail terrorism in a given state or region. In effect, being a high-ranking person (minister and above) and having previous negotiation skills may make the mediator more suitable for the work, as evidenced by the importance of these characteristics in all the personalistic mediation cases. In addition, relative immunity to political change (in either the mediator's or the conflicting parties' governments) also seems to have a positive effect on the mediation, lending consistency to the mediation and maintaining the momentum of the talks. For instance, Solheim is a clear example of this political stability, while Clinton was—in a way—limited by the time left of his presidential term. The equilibrium of personalistic mediation appears to be in the rank of a minister of state, which may be less politically volatile than a president (because a new government may

leave a previous minister in office or in charge of a specific task, even after political change), but of higher rank than a member of parliament.

While the motivation and interest of the potential personalistic mediator are key to the style, policymakers should, however, consider analyzing whether these personal qualities accord with the official policies of the state. For instance, because mediation in a conflict is usually regarded as foreign policy, the mediation plans of the individual in question should be contrasted to the state's foreign policy plans and principles. Moreover, there may be a conflict of interest if mediators are more interested in taking advantage of the spotlight of the mediation for enhancing their own reputation, rather than focusing to enhance their country's standing in the international community. Institutionalized controls may be exercised to that effect; for example, a minister of state may be subject to parliamentary control. Nevertheless, institutionalized controls may be more difficult to apply on heads of government who adopt a personalistic style of mediation, because in most cases foreign policy falls under presidential initiative, while a minister may respond to the parliament more often.

On the other hand, studying institutionalized mediation offers room for policymakers to bear in mind past frameworks and mandates when designing these aspects in future mediations. While the study of personalistic mediation appears to be useful for choosing suitable mediators (because this style is usually linked to individual mediators), previous cases of institutionalized mediation may not help policymakers to that extent, since evidence showed that mediating institutions can be integrated by all the providers of mediation, not just individuals.

Policymakers planning to employ institutionalized mediation in a conflict should consider the executive capacity of the planned institution's members. As the Sri Lanka and Northern Ireland cases suggest, a mediating institution may be more executive if integrated by individuals, and not governments. The International Body and the Office of the Independent Chairmen composed of three individuals seem to have been more executive than the Sri Lanka Donor Co-Chairs, which were composed of official government delegates. The executive capacity seems to be directly linked to the decision-making processes of the providers of mediation. The more complex the decision-making

process of the provider is, the less executive it may be mediating; therefore, mediating institutions composed of states or organizations may be less executive than individuals.

Moreover, policymakers should also contemplate the importance of designing clear institutional frameworks. The functions and objectives of the institution should be clearly stated in the mandate, as well as any limits to its work. Flexibility may be granted to the institution when adopting a mediation strategy. Notwithstanding such flexibility, the mediation strategy should follow the objectives of the process and be, to that effect, effective in the delivery of sticks and carrots.

C. NEXT STEPS

Because this thesis drew conclusions on the styles of mediation based on the study of a narrowed set of cases linked to terrorism conflicts, it may be worth expanding the area of study to include other types of international mediation that were not necessarily linked to terrorism. Likewise, it may also be helpful to explore the suitability of the styles of mediation identified in this thesis in other international mediation cases.

More research linking the styles of mediation with mediation results is also needed, in order to enhance the understanding of the characteristics of the styles and their predictive capability. In addition, new studies may compare both styles and analyze which one may be more suitable for different scenarios, taking into account—for example—the characteristics of the conflicts and of the conflicting parties. As noted in the section “Style and Practice,” certain legal aspects related to the institutional style of mediation may be worth exploring, such as the legal frameworks under which these institutions operate and their link to international law.

To date, the Colombian peace process with the FARC is still ongoing, and both parties to the conflict are relying on international mediation to manage the conflict. While it is still too early to draw conclusions on the mediation undertaken in this case, the Colombian example shows that mediation as a conflict management approach is still strong at the international level. As noted earlier, the current Colombian peace process is the first of its kind to include significant international involvement.

Such an approach does not only offer new hope in the history of peace talks with terrorist organizations in Colombia, but also indicates that the failure of the Sri Lankan peace process did not inhibit other countries from choosing international mediation as a suitable approach for managing terrorism conflicts. Indeed, evidence suggests that mediation does offer a way to abate or resolve terrorism conflicts and that it is a solid alternative to escalating hostilities. Although mediation resolved only the Northern Ireland conflict, mediation helped to modulate the violence and find common ground in the Sri Lankan and Israeli-Palestinian cases.

The calls for international mediation by both the Colombian government and the FARC have been very strong, as well as the offering of mediation services by several countries in the region. International mediation in the Colombian case seems to have been essential, for example, in helping the parties launch talks. It will now be a matter of time to see how international mediation will perform overall in Colombia and how this case can contribute to research in the field.

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